

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

THE CITY OF NEW YORK, et  
al.,

Plaintiffs,

-against-

JUAN HENRIQUEZ, et al.,

Defendants.

22-CV-3190(KAM)

United States Courthouse  
Brooklyn, New York

January 18, 2023  
9:00 a.m.

TRANSCRIPT OF CIVIL CAUSE FOR EVIDENTIARY HEARING  
BEFORE THE HONORABLE KIYO A. MATSUMOTO  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Plaintiff:

NEW YORK CITY LAW DEPARTMENT  
Labor and Employment Division  
100 Church Street  
New York, NY 10007-2601

BY: GERALD E. SINGLETON, ESQ.  
GAVIN MACKIE, ESQ.  
MELANIE ASH, ESQ.

For the Defendant:

FLETCHER LAW, PLLC  
246 Fifth Avenue, 3rd Floor  
New York, NY 10001

BY: JORDAN FLETCHER, ESQ.

Also Present:

Moira Archer

Court Reporter:

DENISE PARISI, RPR, CRR  
Official Court Reporter  
Telephone: (718) 613-2605  
E-mail: DeniseParisi72@gmail.com

Proceedings recorded by computerized stenography. Transcript  
produced by Computer-aided Transcription.

1 (In open court.)

2 THE COURT: Hello. Good morning, are we ready to  
3 start?

4 Good morning, sir.

5 THE WITNESS: Good morning, Your Honor.

6 THE COURT: I will remind you, sir, you're still  
7 under oath.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: At this time, Mr. Henriquez's attorney  
10 has some questions on redirect for you. Are you ready?

11 MR. FLETCHER: I am, Your Honor.

12 **JOSEPH HERNANDEZ,**

13 called as a witness, having been previously duly  
14 sworn/affirmed, was examined and testified as follows:

15 REDIRECT EXAMINATION

16 BY MR. FLETCHER:

17 Q Good morning, Mr. Hernandez. Thank you for your time  
18 this morning.

19 And just to be clear, your availability is okay for  
20 the next half an hour, or hour or so?

21 A Yes, sir.

22 Q Okay. Great.

23 THE COURT: If your zoning folks show up, let us  
24 know and we can fit you in elsewhere, all right, sir?

25 THE WITNESS: Thank you, Your Honor.

*Hernandez - redirected - Fletcher*

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1 Q Mr. Hernandez, you testified yesterday that Mr. Henriquez  
2 came up with the name Medical Special Operations Conference;  
3 is that correct?

4 A Yes, sir.

5 MR. FLETCHER: I'm going to show you an exhibit.  
6 It's been -- sorry.

7 It says: Host disabled participate screen sharing.

8 THE CLERK: We'll fix that.

9 Q Mr. Hernandez, do you have the exhibits I sent you over  
10 the weekends handy by any chance?

11 A I do. I would have to leave, I guess, the screen. I'm  
12 not that real great on it. Do you want me to go to a  
13 particular doc?

14 THE COURT: I will try to screen share with you so  
15 you don't have to leave the screen.

16 MR. FLETCHER: That would be great. If we can pull  
17 up Exhibit B.

18 THE COURT: D as in David, sir?

19 MR. FLETCHER: B as in "boy."

20 THE COURT: B as in "boy."

21 Thank you.

22 MR. FLETCHER: I apologize for not checking this  
23 piece before.

24 THE CLERK: No, no, no. It's usually not disabled.

25 MR. FLETCHER: Mr. Hernandez, while we're figuring

1 this out, maybe we don't need the exhibit although maybe I  
2 will need another exhibit.

3 Q So yesterday you testified that there was a conversation  
4 or conversations between yourself, Vincent Johnson and Juan  
5 Henriquez around the time you came up with the idea of the  
6 Medical Special Operations Conference; is that correct?

7 A Yes.

8 Q And it's your recollection that Mr. Henriquez came up  
9 with the name Medical Special Operations Conference; is that  
10 fair to say?

11 A Yes. Yes.

12 Q Do you know whether there might be any documents that  
13 confirm that event?

14 A No. Usually words are pretty much documents within that  
15 kind of profession.

16 Q Okay. But that might have -- that conversation might  
17 have occurred in or about 2010?

18 A Correct.

19 Q Okay. Thank you.

20 You also -- well, let me ask you: Who do you  
21 understand owns the rights to the trademark Medical Special  
22 Operations Conference?

23 A Juan Henriquez does.

24 Q Why do you understand that to be the case?

25 A Because he filed for those particular trademarks and

1 protections.

2 Q Did you know that he was filing for those trademarks and  
3 protections?

4 A Absolutely.

5 Q Did you know at the time that he filed that he was filing  
6 for those trademarks and protections?

7 A Yes. He discussed it.

8 Q Did you have any objection to him claiming the rights for  
9 himself?

10 A Absolutely not.

11 Q Did you have any understanding with him before that  
12 filing that he was the owner of those trademarks?

13 A I'm sorry, repeat that?

14 Q Did you have any understanding with him prior to that  
15 filing --

16 A Yes.

17 Q -- that he was the owner of the trademarks?

18 A Yes.

19 Q And what was that understanding based on?

20 A Based on trust, partnership.

21 Q Not a written --

22 A Kind of the profession.

23 Q Not a written --

24 A Not a written agreement, correct.

25 Q Separate topic.

*Hernandez - redirected - Fletcher*

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1 Are you aware of a Medical Special Operations  
2 Conference or MSOC-branded event occurring in Georgia in 2012?

3 A Yes.

4 Q Do you know -- do you know whether any portion of that  
5 event occurred at or in conjunction with the Guardian Center?

6 A Yes.

7 Q Yes, you know, or yes, it did?

8 A Both. Yes I know, and yes, it did.

9 Q Okay. Thank you.

10 You were asked about your country -- not your  
11 country. Excuse me.

12 MR. FLETCHER: Strike that.

13 Q You were asked about your company, Disaster Medical  
14 Solutions. I think at one point --

15 A Yes.

16 Q -- it was -- you had partners and Mr. Mackie asked you if  
17 it was a limited liability partnership.

18 I will represent that I went on the Florida website  
19 and are you sure it's a limited liability partnership. Might  
20 be it a limit liability company?

21 A That's what it is, LLC.

22 Q Okay, thank you.

23 You were also asked about an MTS course that DMS  
24 teaches; right?

25 A Correct.

*Hernandez - redirect - Fletcher*

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1 Q And what does MTS stand for?

2 A Yesterday we said that it stood for Medical Team  
3 Suspensions.

4 Q Medical --

5 A It's an acronym that is derived from FEMA. They came up  
6 with that, FEMA MTS is the Medical Team Specialist course. It  
7 used to be called MTT.

8 Q Okay.

9 Is there a difference between the MTS course and the  
10 medical specialist course?

11 A No.

12 Q I'm sorry, yes or no?

13 A No. No, there isn't.

14 Q Okay.

15 Is there -- does DMS teach any other types of  
16 courses involving other kinds of instructors? For example, I  
17 don't know, K-9s, rescue, anything like that?

18 A We have done K-9 training, under DMS, but that's not --  
19 not what DMS was structured for.

20 Q Okay. So -- is the -- I'm sorry, finish.

21 A No, it's okay. Go ahead.

22 Q So you have done K-9 trainings before?

23 A Yes, we have.

24 Q Okay. And just so I --

25 A It's part of the MTS. It's part of the MTS.

*Hernandez - redirected - Fletcher*

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1 Q Okay.

2 So there are different parts of the MTS training; is  
3 that fair to say?

4 A Correct, yes, there is.

5 Q Okay.

6 Have you ever done K-9 trainings at the FDNY MSOC,  
7 other -- as part of the conference, or is it preconference?

8 A We've done it as part of MSOC because it was for the  
9 nonFEMA federal people. They didn't need that portion of the  
10 training because theirs is incorporated in the MTS, so we did  
11 a separate one for all of the individuals that run K-9 teams  
12 in upstate New York and the surrounding areas that were not  
13 part of a federal team.

14 Q And have you ever -- just to be clear, you've done that  
15 K-9 course at the FDNY-hosted MSOC event?

16 A Right.

17 Q Okay.

18 You gave some colorful testimony yesterday. At one  
19 point I think you mentioned a SKIL saw amputation in Haiti.  
20 First off, what is a SKIL saw? Is that like a circular saw?

21 A It's an industrial saw that anybody would use to cut  
22 pipes, concrete, wood. It's called a reciprocating saw. It  
23 moves within itself -- the blade.

24 Q The kind of thing I might use in my garage or basement to  
25 cut two-by-fours?



*Hernandez - redirected - Fletcher*

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1 A Yes. At that time, in Haiti it was being used by a  
2 rescue specialist to cut rebar and concrete to gain access to  
3 an impinged 9-year-old female in an elementary school that  
4 collapsed.

5 Q Did I understand you correctly that it was also used to  
6 actually conduct an amputation?

7 A Unfortunately, there were no other tools available. The  
8 patient began to crash, which would have made her a victim, so  
9 the decision was made to go ahead and basically remove the arm  
10 and bring her out. She now lives in the United States with a  
11 prosthetic.

12 Q Are we to understand that that is not the best medical  
13 best practice for conducting a amputation?

14 A One hundred percent.

15 Q Okay.

16 So now, what -- you talked a lot about vendors at  
17 the MSOC events.

18 A Correct.

19 Q What, if anything, does that story have to do -- if  
20 anything, does that story have to do with vendors --

21 A Sure. You know, I'm returning -- if we would have been  
22 in this country and that would have happened, we would all be  
23 in front of the judge again. And we felt it was unfair, even  
24 though this was in a developing nation, and that could very  
25 well happen here. And so there was nothing but a GIGLI saw,

1 which is a wire saw with two rings that you can go back and  
2 forth and cut a tree limb off. And that's what many  
3 physicians in the emergency department felt that we should  
4 take with us. However, there were many trauma surgeons that  
5 disagreed with that.

6 So we approached several blade manufacturers that  
7 are in the cadaver business and asked them if they could  
8 assist us with the development of a blade that could be  
9 attached to a reciprocating saw, but a medical grade blade  
10 that was built specifically for cutting through bone, and then  
11 that was later tested and proven in several skills events on  
12 various cadavers with various physicians, from ER physicians  
13 to trauma surgeons, to see how that worked, so. And we used  
14 different settings.

15 Q So just --

16 A -- ironically.

17 Q Just asking the question again: What did that have to do  
18 with vendors at MSOC events? Could you connect the dots for  
19 us?

20 A The vendors are bringing that blade, those saws, and the  
21 things that we're not used to having inside the hole with us.  
22 So changing the style of medicine to meet the austere  
23 environment -- because it had not been up to that point, and  
24 the only one that could do that for us is industry. In  
25 industry are called vendors.

*Hernandez - redirected - Fletcher*

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1 Q Okay.

2 And could you have brought those vendors to your  
3 FEMA MTS courses?

4 A That is not permitted.

5 Q Why is that?

6 A That is not --

7 Q I'm sorry, why is that? Why is that not permitted?

8 A That's the rules that the federal government has. They  
9 don't want any vendor influence into the course. It's a  
10 neutral course.

11 THE COURT: May I just interject.

12 I think the split screen may be working now. Do you  
13 want to try it? Sorry to interrupt, but I think we got it.

14 MR. FLETCHER: Yes, I do have that control now.

15 Thank you.

16 THE COURT: All right.

17 Go ahead if you need to use it.

18 MR. FLETCHER: I will in a minute.

19 Thank you, Your Honor.

20 Q Vendors, MSOC.

21 So was there a benefit to having the MTS course and  
22 the MSOC conference occur more or less at the same time?

23 A It was game-changing and lifesaving for disasters.

24 Q Explain more.

25 A It gave medics and physicians the ability to be able to

*Hernandez - redirect - Fletcher*

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1 provide greater lifesaving capabilities with the introduction  
2 of the manufacturers, the vendors, the creators of those tools  
3 to listen to us, and to hear what were the situations that we  
4 were in, and what we needed as tools out in the environment.

5 Q And as part of the MSOC, there are trainers teaching  
6 classes; is that correct?

7 A Correct.

8 Q Okay.

9 Are these the same trainers that are also teaching  
10 the FEMA class or are they different trainers?

11 A These are the same trainers, but many more because in an  
12 MTS there are only ten instructors and we are talking about a  
13 pool of probably 40 instructors across the country. And so --  
14 including physicians and medics, and it was very important to  
15 get a feel of everybody's decision, because the next step  
16 would be to put it into a medical working group to approve  
17 those tools that they have come up with to be able to be used  
18 in a deployment.

19 Q Were the trainer --

20 A Kind of FDA-approved.

21 Q Were the trainers getting paid to teach the MTS classes  
22 course?

23 A Yes, they are.

24 Q Were they getting paid 1099s to teach MSOC courses?

25 A They were not getting 1099s to do MSOC courses. They got

*Hernandez - redirected - Fletcher*

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1 1099 to do MTS courses.

2 Q Did they get anything from the MTS courses?

3 A They're honorariums and their expenses were covered.

4 Q You were asked about MSOC -- the MSOC entity that I  
5 believe you are the president of, right? The Medical Special  
6 Operations Community organization.

7 A Yes, sir.

8 Q That's a non-for-profit corporation; is that correct?

9 A Correct.

10 Q I think yesterday it might have been referred to as an  
11 LLC.

12 Do you know whether, in fact, it's an LLC or a  
13 corporation?

14 A It was also created as an LLC, yes.

15 Q If I told you that I went on the Florida website and I  
16 saw that it was a corporation as opposed to an LLC --

17 A It files as a corporation.

18 Q Okay. Thank you.

19 A But it was formed as an LLC, yes. You have to choose if  
20 you are going to file as a corporation. That's the way the  
21 tax laws work.

22 Q Okay.

23 Do you recall the year in which it was created?

24 A Not offhand.

25 Q Was it created in 2011, 2012?

*Hernandez - redirect - Fletcher*

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1 A Somewhere in that neighborhood.

2 Q You don't know, I don't want you to guess. I don't want  
3 you to guess, so; do you know?

4 A I'm not guessing. Absolutely -- that's why I said at the  
5 beginning, I can't recollect that.

6 Q Okay. No problem.

7 Let's talk about the audience for MSOC events. I  
8 think you said yesterday it's attended by folks in the Urban  
9 Search and Rescue community; is that fair to say?

10 A Yes. And Special Operations community and the K-9  
11 communities.

12 Q And civilian medical community as well?

13 A Correct.

14 Q Okay.

15 It's not targeted at the general public, right? I'm  
16 not the target audience --

17 A Correct.

18 Q -- of MSOC?

19 A Correct.

20 Q And there are participants that go to the conference; is  
21 that right?

22 A Yes, there is.

23 Q Are there also agencies that agree to host the  
24 conference?

25 A Yes.

*Hernandez - redirected - Fletcher*

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1 Q So I think --

2 A The facilities.

3 Q The facilities.

4 So I think yesterday we talked about Palm Beach Fire  
5 and Rescue; right?

6 A Correct.

7 Q And I think there are some documents that show that they  
8 hosted a MSOC in 2015.

9 Do you recall that event?

10 A Correct. Yes, I do.

11 Q And you said that -- we looked at a document and you said  
12 that it had been sent to the administration of the Palm Beach  
13 Fire and Rescue.

14 Do you recall that?

15 A It -- yes.

16 Q I can pull up the document if you need to remember --

17 A No, absolutely, I remember that. They have to agree  
18 on -- excuse me.

19 Q Are you okay?

20 A Yes, go ahead.

21 Q Thumbs up?

22 A Thumbs up.

23 Q So is it fair to say that the administration of the Palm  
24 Beach Fire and Rescue Department is also deciding whether or  
25 not to host an MSOC event?

*Hernandez - redirect - Fletcher*

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1 A Correct.

2 Q So are they paying for the event?

3 A They are hosting it, yes, they are paying for the event.

4 Q And they're making a choice whether or not they want an  
5 MSOC event in their facility; is that fair to say?

6 A Correct.

7 Q Okay.

8 I think you were asked a lot of questions yesterday  
9 about -- actually, I don't want to move yet. Back to Palm  
10 Beach Fire and Rescue administration.

11 A All right.

12 Q When they see the name MSOC or Medical Special Operations  
13 Conference, do you have any reason to believe that they --  
14 they know what they're getting?

15 A Absolutely. A lot of them wear the patches on their new  
16 clothing and BDU's now.

17 Q Sorry, could you explain that?

18 A I said, yes, they're they proud of the courses that they  
19 were able to underachieve during that period of time and still  
20 not be on a FEMA team and they proudly wear the patches. It's  
21 part of their new uniforms that they wear for their special  
22 operations commands.

23 Q What, the MSOC patches that they have?

24 A Correct.

25 Q And so when they saw the name MSOC, they had a sense that



*Hernandez - redirect - Fletcher*

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1 they know what they're getting in terms of --

2 A Yes.

3 Q -- what courses will be held at their facility?

4 A The ones that they would choose, correct, or focus on --  
5 that they would want us to focus on.

6 Q Okay. Thank you.

7 Okay. You were asked some questions --

8 THE COURT: May I just ask a question, please?

9 MR. FLETCHER: Yes, please.

10 THE WITNESS: Yes.

11 THE COURT: Was the 2015 Palm Beach-hosted MSOC  
12 event the first time that you saw Dr. Isaacs at such an event?  
13 Or had you met him at other events?

14 THE WITNESS: We had seen him at the New York event  
15 prior to that, my understanding.

16 THE COURT: What was the New York event?

17 THE WITNESS: The MSOC FDNY.

18 THE COURT: Okay.

19 Was that the first time you met him?

20 THE WITNESS: Met him? No, Your Honor. Met him as  
21 a student when he was trying to become a physician within the  
22 FDNY within the Federal Urban Search and Rescue Task Force  
23 that the City had.

24 THE COURT: And approximately what year was that,  
25 sir?

*Hernandez - redirect - Fletcher*

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1 THE WITNESS: About 2009, Your Honor, 2008.

2 THE COURT: And did you take -- was this an MSOC  
3 course that he was a student at or some other type?

4 THE WITNESS: No, ma'am. That wasn't created yet.  
5 This was MTS and at that time, it was called the MTT Medical  
6 Team Training. It was still the FEMA Urban Search and Rescue  
7 Medical Team Training, at that time it was called.

8 And that is the same course that runs today, it's  
9 just not 40 hours anymore. It's 59 hours in length. And  
10 every physician or paramedic that wants to be on the medical  
11 side for a federal or state team is required to take this  
12 training.

13 THE COURT: All right.

14 So approximately 2009, at an MTT course, that's the  
15 first time you encountered Dr. Isaacs when he was a student;  
16 is that correct? Is that what you said?

17 THE WITNESS: Yes, Your Honor.

18 THE COURT: Okay. Thank you, sir.

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: Thank you.

21 Q Mr. Hernandez, following up on the judge's questions, did  
22 you maintain a relationship with Dr. Isaacs after that first  
23 MTT course?

24 A Very strongly, yes.

25 Q Were you in communication with him?

*Hernandez - redirect - Fletcher*

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1 A On a -- what we would say, a business level is what we do  
2 and also, on a personal level, yes.

3 Q About how often did you speak with him?

4 A Sometimes daily.

5 Q And that would have been also during the period 2011,  
6 2012?

7 A Yes.

8 Q Do you have any recollection of speaking to him about the  
9 MSOC events that you and Mr. Henriquez and Mr. Johnson were  
10 organizing in 2011 and 2012?

11 A Yes, that's what made him excited to be able to be a part  
12 of it.

13 Q And now you testified -- you were asked a bunch of  
14 questions yesterday about whether you knew or how you knew  
15 that Dr. Isaacs knew that you and Mr. Henriquez were  
16 continuing to hold MSOC events outside of the FDNY during 2013  
17 to 2018 or '19; right?

18 Do you recall that?

19 A Yes.

20 Q And we've already talked about a 2015 event in Palm  
21 Beach.

22 And Dr. Isaacs was at that event?

23 A Correct, he was.

24 Q There's a reference in your declaration to an event in  
25 Ocala, Florida in 2018.

*Hernandez - redirect - Fletcher*

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1 A Correct.

2 Q Do you recall Dr. Isaacs being at an MSOC-branded event  
3 in 2018 in Ocala, Florida?

4 A Yes, I do.

5 Q Are you sure, as you sit here today, that that was an  
6 MSOC and not just an MTS event?

7 A As I mentioned yesterday, we do those dual events that  
8 we've learned to be able to bring the vendors in. So, we  
9 cannot bring them in during the week of that MTS course, but  
10 we sure are allowed to give them the platform under the  
11 umbrella of the MSOC.

12 Q Did Dr. Isaacs ever provide support to you or  
13 Mr. Henriquez with respect to outside; so, nonFDNY MSOC  
14 events?

15 A There were -- there were other vendors that he had  
16 connections with and that he would try to recommend that they  
17 possibly get involved with USAR, and that we were one of the  
18 folks that he -- that they might want to speak with.

19 Q "We" were one of the folks that he -- that they might  
20 want to speak.

21 Are you saying that MSOC or you, Joe Hernandez --  
22 who are you referring to?

23 A Both. Either collectively or singly, just because of the  
24 experience and the time in the system.

25 Q So are you saying that Dr. Isaacs assisted you, Joe

*Hernandez - redirect - Fletcher*

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1 Hernandez and MSOC in obtaining vendors for outside -- or MSOC  
2 events outside of the FDNY?

3 A Yes. Yes.

4 Q You talked a bit yesterday about an initial thought that  
5 you might take the conference to California as opposed to  
6 New York.

7 Do you recall that?

8 A That's where it was originally planned for. When that  
9 failed, we went to New York, yes.

10 Q Okay. You also --

11 MR. FLETCHER: Excuse me. One second. I need to  
12 pull up a different exhibit.

13 Q I think you also mentioned having some conversation  
14 referencing someone named Scotty.

15 Do you recall that?

16 A Yes.

17 Q I'm going to pull up the document as soon as I find it.

18 A Scott McKinney.

19 Q Who is Scott McKinney?

20 A You just mentioned his name. Scotty.

21 Q Yes. Who is Scott McKinney?

22 A Scott McKinney was one of the three, including myself,  
23 working group curriculum writers for the FEMA MTS course where  
24 the -- I was the co-person for that rewrite committee for  
25 FEMA. Scotty was on that committee, and another gentleman

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1 from Arizona as was on that committee, Tripp McKinnon.

2 Q Where did Scott McKinney work at the time?

3 A San Bernardino, California.

4 Q Thank you.

5 I just shared a document with you. It's Exhibit Q  
6 for this hearing. I don't know if you can see it, but at the  
7 bottom there's a Bates stamp HENR-267.

8 A Yes.

9 Q I think you mentioned having -- is this the email that  
10 you're referring to or that you recalled yesterday?

11 A Yes.

12 Q If you see it, at the bottom it says: Hosting in  
13 New York is the better choice since Scotty is so slow to  
14 respond?

15 A Correct. They were having a lot of natural events going  
16 on in California at that time. It was -- they had a lot of  
17 wildfires at that time, kind of changing their hats. They  
18 play those dual roles out there.

19 Q And this is dated August 2012.

20 Do you see that?

21 A Yes, I do.

22 Q Okay.

23 Now, I believe you may have testified yesterday that  
24 you recall that Dr. Isaacs -- that you had this communication  
25 about Scotty with Dr. Isaacs.

*Hernandez - redirect - Fletcher*

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1 Do you see Dr. Isaacs on this email?

2 A No, I do not.

3 Q Okay.

4 Do you know whether you had this same conversation  
5 with Dr. Isaacs, or might you have been misremembering?

6 A We were making decisions without him. He wasn't part of  
7 the system, and didn't carry any weight, and the individuals  
8 that you see on there are all FEMA members and the working  
9 group that had been in the system since the '90s.

10 Q The individuals -- I'm sorry --

11 A The individuals -- the individuals named below, as you  
12 see, Valerio Sandoval from Arizona, Michael Kurtz from  
13 Pennsylvania, Anita Arnum and Merrill Bone, who since then has  
14 passed away.

15 Q Do you have any reason to believe that Dr. Isaacs knew  
16 there was an intention to take the conference to California at  
17 some point?

18 A He knew the conference was going to be in California  
19 prior to it being actually delivered at FDNY because we  
20 couldn't do it in California. When the parties that we knew  
21 were coming to each, which are those that you see on that  
22 email, agreed that New York would be the best choice if we  
23 can't go to California, that's when FDNY was -- that's when  
24 Doug was asked to approach FDNY regarding the conference we  
25 had hosted there.

*Hernandez - redirected - Fletcher*

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1 Q So why do you say that Doug knew that -- excuse me.

2 Why do you say that Dr. Isaacs knew that?

3 A Because it was spoken verbally.

4 THE COURT: By whom?

5 THE WITNESS: By myself, the rest of the parties.

6 THE COURT: And you spoke to Dr. Isaacs directly,  
7 sir?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: And you asked him to --

10 THE WITNESS: I usually spoke to him on a regular  
11 basis on the phone and on text.

12 THE COURT: So can you tell us what you advised  
13 Dr. Isaacs regarding the California hosting falling through  
14 and asking him to arrange or convince FDNY to take on the  
15 conference that year?

16 THE WITNESS: Yes, Your Honor; that everyone there  
17 who were on that list who were the speakers that were going  
18 out to California, were in agreement that if they couldn't do  
19 it, FDNY would be a great host and that nobody would hesitate  
20 to go out there.

21 You know, of course there was talk on expenses and  
22 how we were going to get to point A and point B and the hotels  
23 aren't near the facility. So there's a lot of things that  
24 have to go under scrutiny, so the participants have to stay in  
25 a hotel that's expensive, and how do we minimize those costs,



*Hernandez - redirected - Fletcher*

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1 how do we travel those participants by bus to the facility  
2 that's usually built purposely for disasters, so they're  
3 usually not a place that EPA or those kind of folks like to  
4 walk through because there's no rails on the stairs and things  
5 are broken.

6 THE COURT: Well, what did you specifically recall  
7 about any conversations you had with Dr. Isaacs about hosting  
8 in New York after California fell through?

9 THE WITNESS: He was ecstatic that it was -- not  
10 ecstatic that it fell through because that be wouldn't be fair  
11 to say, but ecstatic that it was -- he was going to have a  
12 chance to take it in and ask command at FDNY if that could be  
13 delivered there.

14 THE COURT: All right. Thank you.

15 THE WITNESS: Yes.

16 Q Mr. Hernandez, I'm going to show you a portion of what's  
17 been labeled Exhibit D for this hearing. This is page 11  
18 of 55 of Exhibit D. It's Bates stamped HENR-56.

19 A Yes.

20 Q I will just represent to you this -- I don't have -- one  
21 page before is the label MSOC 2014 at FDNY. There's been some  
22 testimony that the page you are looking at reflects potential  
23 lecture topics for that year.

24 A Yes.

25 Q Do you -- does this -- does the information on this page

*Hernandez - redirected - Fletcher*

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1 mean anything to you?

2 A Yes, it does.

3 Q So the names that you see in bold, do you recognize those  
4 names?

5 A All of them.

6 Q Okay.

7 THE COURT: May I just ask for a recollection? I'm  
8 looking at Defense Exhibit D, page -- you said 55?

9 MR. FLETCHER: No. I'm sorry 11 of 55.

10 THE COURT: Page 11 of 55. Thank you.

11 Q I'm sorry. Mr. Hernandez, you said you recognize the  
12 names on this list?

13 A Yes.

14 Q Do you recognize them as part of the federal -- federal  
15 teams, Federal Urban Search and Rescue Teams?

16 A Yes. Everyone there except for one person is part of the  
17 federal system and everyone there has been part of the federal  
18 systems before --

19 Q Who was the person has not --

20 A -- 2000.

21 Q Who was the person --

22 A That's Ricky Cue.

23 Q Ricky Cue?

24 A Correct.

25 Q I see Dr. Isaacs -- I'm sorry, go ahead?

*Hernandez - redirect - Fletcher*

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1 A He's not an a federal team, but he's on a state team.

2 Q And these individuals -- is everyone here from outside  
3 New York or some people from New York and -- where are they  
4 from?

5 A They are from all over, so -- Joseph Barbera was one of  
6 the original additions that was brought in with FEMA. He was  
7 from George Washington University and came in, in 1992, into  
8 the system.

9 Juan Henriquez was in FDNY. I was his instructor in  
10 a class in Ocala back in the early 2000s.

11 Chris Ho is a physician, he's the son of a friend of  
12 a physician who was early on during when FEMA was created in  
13 1992. Chris Ho is a physician in San Diego, California,  
14 instrumental in delivering the MSOC for the first year. He  
15 was very big on trying to get it hosted somewhere either down  
16 in southern California.

17 And Steve Chin is from LA. He is a physician out of  
18 LA County. He was with us during the Haiti earthquake, also a  
19 member of the FEMA team.

20 Ken Miller was one of the original FEMA curriculum  
21 writers as the physician with me Scotty and Tripp McKinnon.  
22 He is also from California. Those three physicians were very  
23 strong in trying to help get that out there and they agreed to  
24 take it to New York, we can't make it happen.

25 Doug Isaacs was, at that time, an FDNY and I believe

*Hernandez - redirect - Fletcher*

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1 he was also a physician on the federal team as well.

2 Jenn Brown is a personal friend. She is a  
3 veterinarian. She lives in Tampa, Florida and she is on the  
4 Task Force that I belong to, which is Florida Task Force II,  
5 it's a FEMA task force. She also teaches the K-9 portion for  
6 Disaster Medical Solutions and has been with us since 2010.

7 Katie Roberts is a firefighter paramedic. She is  
8 also with Scott McKinney out in California, out in  
9 San Bernardino, California. She's very big on Haz-Mat, was  
10 one of the instrumentors in trying to bringing MSOC out there.

11 George Hernandez, personal friend, no family  
12 relation, he is a pediatric intensivist, with the University  
13 of Miami. He is on my federal Task Force as well. Florida  
14 Task Force II.

15 Michael Kurtz was an instructor, co-instructor with  
16 me, he was the director of the Medical Working Group, he's out  
17 of Pennsylvania Task Force I.

18 Scott McKenna -- that's a misspelling, it's Scott  
19 McKinney -- again, a friend who is now retired and was out in  
20 San Bernardino, one of the writers of FEMA curriculum.

21 Joe Holley is Tennessee Task Force I's medical  
22 director. He is out in Memphis, Tennessee, a physician who  
23 has been in the system since 1994. He was a student in 1994  
24 when he took that class.

25 Ricky Cue was one of the new players on the block.

*Hernandez - redirected - Fletcher*

321

1 He's a physician, emergency room physician, with a military  
2 background in Boston, and then later on Massachusetts Task  
3 Force I asked him if he would consider being on the federal  
4 team if the state team wasn't called to a disaster within  
5 itself.

6 And then Dario Gonzalez, him and I were students  
7 together in 1992. He was the original physician in the FEMA  
8 system along with Joe Barbera, we call them old dinosaurs on  
9 the medical side.

10 Q And Dario Gonzalez was with the FDNY; correct?

11 A Correct. He was the medical director for the FDNY. He  
12 was also a Task Force leader.

13 Q Did Dr. Isaacs have any relationship with these -- apart  
14 from Dario Gonzalez, did Dr. Isaacs have any relationship with  
15 these individuals independent of you?

16 A No, they came about -- those relationships came about  
17 with him -- with us bringing him within the systems and making  
18 friendships as he was able to go that.

19 The only other person that he was able to have a  
20 relationship, of course, was Michael Kurtz, being instructor  
21 in the federal system as well. So he got to meet a few of the  
22 instructors during that time that he was a student.

23 Q Now, you mentioned several of these folks are from  
24 California.

25 Did Dr. Isaacs know that these individuals were from

*Hernandez - redirected - Fletcher*

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1 California?

2 A Oh, yes, very much.

3 Q And why were there so many people from California coming  
4 to New York in 2014?

5 A Well, there are eight federal task forces, so they  
6 trounce everything else. And that was the original plan for  
7 the delivery of MSOC in 2012; was to be in California. They  
8 were the ones that were holding up the facilities there and  
9 able to do the same thing that we asked Doug Isaacs to do with  
10 FDNY later on.

11 Q And it's your testimony that Dr. Isaacs had knew that  
12 there had been an intention to go to California before  
13 New York?

14 A Yes, it is. It's pretty evident, pretty strong that  
15 that's where the majority of the instructors were coming from.  
16 It would have saved MSOC money which, as a nonprofit, would  
17 have been helpful.

18 Q Now, so that's kind of the beginning of -- we've been  
19 talking about California and, you know, the origins of MSOC  
20 and New York versus California.

21 Are you aware of any conversations that occurred  
22 later on about moving the conference to California that  
23 because -- that Dr. Isaacs was privy to?

24 A Yeah, the same year. You know, everybody goes to dinner  
25 together, everybody hangs out together, because we have to do

*Hernandez - redirected - Fletcher*

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1 what's called "after-actions and hot washes". It's a term  
2 that's used to see how the participants felt we did, how did  
3 it go, what was lacking, what equipment was lacking. So we're  
4 always hanging out together doing after-actions.

5 And Katie Roberts at that time made the comment of  
6 it will be great to have this in California next year because  
7 they felt that since they couldn't get it done the first year,  
8 they would work twice as hard to get it done the following  
9 year. And the comment was: See you in California next year.

10 Q Do you recall when that was, when that comment was made?

11 A During that year, can't remember the date or time, it was  
12 during the evening after the classes had suspended.

13 Q Do you recall who Katie Roberts made that comment to?

14 A To our entire group, including Doug Isaacs.

15 Q And did Dr. Isaacs have any reaction that you saw to that  
16 comment?

17 A At that point, no. I thought he was pretty excited that  
18 this thing would travel across the country. That was the  
19 intent, which would bring it back to New York.

20 THE COURT: Wait.

21 He was excited that the MSOC would travel across the  
22 country back to New York or to California the following year?

23 THE WITNESS: I apologize. That it would eventually  
24 circle back around so East Coast, Central Division, West  
25 Coast, and then bring it back around so that participants

*Hernandez - redirect - Fletcher*

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1 across the country are able to do that, kind of schedule  
2 themselves, hey, every three years it's coming back our way.

3 THE COURT: All right.

4 So MSOC goes from East Coast, Central, West Coast,  
5 back to East Coast, Central, West Coast; is that the --

6 THE WITNESS: Yes --

7 THE COURT: -- role of MSOC?

8 THE WITNESS: -- Your Honor.

9 THE COURT: Okay. Thank you, sir.

10 Q Because that was an intention, that wasn't something that  
11 was actually happening at that time; right?

12 A Correct.

13 Q I will put out one more exhibit.

14 A Even Canada is entertaining it right now.

15 Q I'm showing you what's been labeled Exhibit M like "May"  
16 and there's no -- this appears to be a text message thread.

17 A Yes, it is.

18 Q Okay.

19 And there's no actual time stamp in the text message  
20 thread, but my personal understanding is this was from  
21 November 2018.

22 Do you recognize this text message thread?

23 A Yes.

24 THE COURT: Wait. You are not testifying.

25 May we just lay a foundation how you know it's from



*Hernandez - redirect - Fletcher*

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1 November 2018?

2 MR. FLETCHER: Sure.

3 Q Mr. Hernandez, do you recognize this text message thread?

4 A Yes, I do.

5 Q Do you know whose text message thread is it?

6 A That's my text message thread.

7 Q Okay.

8 I believe this text message thread was submitted as  
9 an exhibit to a declaration that you provided to the Court.

10 A Correct.

11 Q Okay.

12 Do you recall that in your declaration you stated  
13 that this text message thread was from November 9th, 2018?

14 A Yes, sir.

15 Q Okay.

16 THE COURT: Thank you.

17 MR. FLETCHER: Thank you. My apologies, Your Honor.

18 THE WITNESS: Yes, Your Honor.

19 Q Do you see the text highlighted in yellow on this thread?

20 A I do.

21 Q It says: The conference has become a nightmare and may  
22 have to be cancelled.

23 A Yes.

24 Q Is that you speaking or Dr. Isaacs speaking?

25 A That's Dr. Isaacs speaking.

*Hernandez - redirected - Fletcher*

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1 Q Did you have any understanding of why Dr. Isaacs texted  
2 that to you?

3 A He was getting friction from FDNY. There's a division  
4 between FDNY command that's fire-side, and EMS uses those  
5 facilities, and so he was having some conflict.

6 Q Thank you.

7 I'm going to move to Exhibit N. This is another  
8 text message thread that you submitted on your declaration and  
9 you stated in your declaration it was dated December 14, 2018.

10 Do you recall that?

11 A Yes.

12 Q You see on the -- again, this is a thread between  
13 yourself and Dr. Isaacs?

14 A Yes, I do.

15 Q Do you see on the left-hand side there's text  
16 highlighted: Your website completely separate from the  
17 Foundation. Sorry, I just want to be clear on my end before  
18 sending an email to leadership.

19 Do you see that?

20 A Yes, I do.

21 Q Is that you or Dr. Isaacs speaking?

22 A That's Dr. Isaacs.

23 Q And then you respond: If they don't get up there because  
24 it doesn't work out, we will bring them down to Florida and  
25 offer housing and meals as a package.

*Hernandez - redirect - Fletcher*

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1           What are you talking about?

2       A     The individuals that attends MSOC a lot of times don't  
3     have the funding. They don't have the federal funding that  
4     teams get the \$1 million-a-year-plus for training, and so,  
5     again, those rentals in New York got 200, \$300 a day and bus  
6     transportation makes MSOC very expensive and difficult, and  
7     that's why I believe he was having such a hard time.

8           And in Florida, the Florida State Fire College has  
9     housing, and has cafeteria, and offers that as part of their  
10    package, and has a purposefully-built facility.

11           THE COURT: May I ask a question, please?

12           THE WITNESS: Yes, Your Honor.

13           THE COURT: Mr. Hernandez, when Mr. Isaacs texts:  
14    Your website completely separate from the Foundation.

15           What website did you understand he was referring to?

16           THE WITNESS: My understanding, he was referring to  
17    the Disaster Medical Solutions website and also, to the MSOC  
18    website.

19           THE COURT: All right.

20           And when you say: My website mentions nothing about  
21    the Foundation.

22           What did you mean when you stated that, sir?

23           THE WITNESS: The Foundation -- at that time, there  
24    was talk about the funds that were returned and -- from  
25    Disaster Medical Solutions, \$10,000 to the Foundation. And so

*Hernandez - redirected - Fletcher*

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1 we had nothing with them on the particular website for there  
2 to be any conflict, my understanding, with him.

3 THE COURT: Okay. Thank you.

4 Q Mr. Hernandez, was there some -- did you perceive some  
5 concern over an association between the Foundation and  
6 Disaster Medical Solutions?

7 A Yes. There was some friction.

8 Q Okay. Actually, let me back up.

9 Had you ever had any conversations with anyone at  
10 the FDNY about the MSOC or the DMS course other than  
11 Dr. Isaacs and Mr. Henriquez?

12 A Yes.

13 Q Who was that with?

14 A Chief Downey.

15 Q Who is chief Downey?

16 A Chief Joe Downey is in charge of Special Operations, the  
17 task force leader for New York Task Force I.

18 Q And he's also an FDNY chief; is that fair to say?

19 A Correct. Fire chief.

20 Q And what were those conversations that you had with chief  
21 Downey?

22 A Chief Downey, as part of the FEMA system, very much  
23 wanted the MTS course delivered at FDNY at Randall's Island.

24 Q And did you ever deliver the MTS course at Randall's  
25 Island?

*Hernandez - redirect - Fletcher*

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1 A We did.

2 Q Do you recall when that was?

3 A Not off the top of my head.

4 Q Okay.

5 How many times did you deliver it at Randall's  
6 Island?

7 A Once.

8 Q Was it delivered entirely at Randall's Island, or was  
9 there somewhere else where portions of it took place?

10 A Portions of it took place at ESU, emergency support unit,  
11 which is the NYPD, and that was at Floyd Bennett Field, if I  
12 recall.

13 Q Why did a portion of the course occur at the NYPD  
14 facility?

15 A So at that particular time, Randall's Island did not have  
16 a rubble pile, what we call concrete that's been purposely  
17 knocked down and tunneled underneath so you can create  
18 training within that confined space, same as everybody's  
19 perspective and the ability to treat and to think. And the  
20 only field that existed in New York City was owned by ESU at  
21 Floyd Bennett Field and it was a desire for Chief Downey to  
22 eventually try to build one at FDNY at Randall's Island, which  
23 he was successful.

24 Q So you said you only did the MTS course once at --

25 A Correct.

*Hernandez - redirect - Fletcher*

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1 Q -- FDNY.

2 Was there talk of trying to do -- was there talk on  
3 either side of wanting to do it again?

4 A Yes, there was.

5 Q And what was that conversation?

6 A The conversation was to have it delivered there and they  
7 wanted to take over all of the course. The Foundation wanted  
8 to do the registration for the course, the collection of fee  
9 for the course and run the course this time around.

10 Q What was your response to that?

11 A That was -- not able to do that. Disaster Medical  
12 Solutions, that's all of the individuals coming through with  
13 the federal government for clearance because they're receiving  
14 information that's pertinent to national security, and so the  
15 Foundation does not have that capability, nor does the  
16 Foundation have the capabilities of bringing in the  
17 federally-credentialed instructors as Disaster Medical  
18 Solutions did. And also, that information was data and, as we  
19 know data, is worth money, and we didn't want to share that  
20 information with them at that time of them being able to have  
21 all of those instructors under their database versus ours.

22 Q And so is it your testimony that DMS declined to offer  
23 the course again at FDNY?

24 A Correct.

25 THE COURT: Sir, you talk about the DMS course, but

*Hernandez - redirected - Fletcher*

331

1 this focus is on the MSOC courses, the conference.

2 Is DMS course, are those courses part of the MSOC  
3 preconference courses?

4 THE WITNESS: Yes, ma'am.

5 So the Medical Team Specialist course that Disaster  
6 Medical Solutions teaches, that MTS course, which is the FEMA  
7 Urban Search and Rescue Medical Team Specialist course, that  
8 is usually done as a preconference to MSOC. The instructors  
9 were already there for that federal course and our intent was,  
10 hey guys, you are already here, you've already flown out,  
11 wherever we're at across the country, we could stay two days  
12 extra and we can do a different population of emergency  
13 responders that aren't part of a federal team and try and  
14 bring the country up to speed in the different areas, we're  
15 eventually going to need them on the big disaster anyway. So  
16 everybody's opinion was: Of course. They want to give back.

17 THE COURT: All right. Thank you.

18 THE WITNESS: Sure.

19 Q Mr. Hernandez, I think this is the last question.

20 If you can turn your attention to the text thread on  
21 the right side of the exhibit in front of you.

22 A Yes, sir.

23 Q You see the highlighted text: Foundation can never offer  
24 this on its own?

25 A Correct.

*Hernandez - redirected - Fletcher*

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1 Q Is that you speaking now?

2 A Yes, it is.

3 Q And then below you say: We don't need them for anything.

4 A Correct.

5 Q And then Dr. Isaacs responds: Agreed.

6 A Correct. Because he knew that we could move both the MTS  
7 and MSOC basically anywhere in the country because it was so  
8 desired to be there.

9 Q So it was your understanding that what Dr. Isaacs was  
10 communicating to you was that the course could be moved from  
11 New York?

12 MR. MACKIE: Objection, Your Honor.

13 A One hundred percent.

14 THE COURT: Let's ask him what -- what was your  
15 understanding of Dr. Isaacs's statement: Agree.

16 THE WITNESS: From the threads earlier, that he was  
17 tired and he agreed that we should either just move it or that  
18 it could be moved, both.

19 THE COURT: Okay.

20 And the reference to foundation, is that the FDNY  
21 Foundation or some other foundation?

22 THE WITNESS: Yes, Your Honor, FDNY Foundation.

23 THE COURT: Okay. Thank you.

24 MR. FLETCHER: Thank you, Your Honor. That's all  
25 the questions I have.



*Hernandez - recross - Mackie*

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1 THE COURT: All right. Is there anything else from  
2 the plaintiffs on this for Mr. Hernandez before we excuse him?

3 MR. MACKIE: Yes, I do have a few questions on  
4 recross.

5 THE COURT: All right. Please.

6 RECROSS-EXAMINATION

7 BY MR. MACKIE:

8 MR. MACKIE: Good morning, Mr. Hernandez. I hope  
9 you got a nice sleep. I just have a few questions about a few  
10 of the things you were just talking about.

11 First, I would like to go to Defendant's Exhibit B,  
12 which your attorney was going to pull up before we had some  
13 technical issues.

14 (Exhibit published.)

15 Q So I have Defendant's Exhibit B on the screen here.

16 Do you recognize this? I can move over so you can  
17 see the whole thing. We're looking only at the top portion of  
18 the screen.

19 Do you recognize this?

20 THE COURT: Can you get the date on there?

21 A Yes.

22 MR. MACKIE: It looks like.

23 Q We can see the date in the upper right-hand corner.

24 Do you see the date in the upper right-hand corner  
25 there in highlight?

*Hernandez - recross - Mackie*

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1 THE COURT: Just for the record, the date and time  
2 is Thursday, October 7th, 2010, at 6:10 p.m.

3 MR. MACKIE: Thank you, Your Honor.

4 THE COURT: Okay.

5 Q Is this an email communication between you and  
6 Mr. Henriquez?

7 A Yes.

8 Q And in the highlighted portion here, it says: I like  
9 your idea for the Medical Operations Conference name better.

10 Was Medical Operations Conference the name that  
11 Mr. Henriquez came up with at this point in time?

12 A For the delivery of an event?

13 Q Correct.

14 A Mm-hmm.

15 Q Okay.

16 So the name that was being discussed in 2010 at the  
17 time of this email was Medical Operations Conference; is that  
18 correct?

19 A We were going back and forth with names, correct, and  
20 that was one of them. One of many.

21 Q Okay.

22 And do you recall when, if at all, the word  
23 "special" was added to that name?

24 A Because it doesn't involve -- can't tell you what date,  
25 but we know why.

*Hernandez - recross - Mackie*

335

1 Q Okay.

2 When you were discussing your understanding of the  
3 ownership of the trademark, I believe you said that your  
4 understanding is that Mr. Henriquez owns the trademark because  
5 he was the one who filed for the federal registration; is that  
6 correct?

7 MR. FLETCHER: Objection, mischaracterizes.

8 A You're asking me the same question that was asked  
9 earlier.

10 THE COURT: Yes, sir. This is redirect, so he can  
11 ask.

12 A Yes. Yes.

13 Q Thank you.

14 And --

15 MR. FLETCHER: Your Honor, this is recross, not  
16 redirect.

17 THE COURT: Well -- yes, so he's confined to the  
18 scope of your redirect, which was confined to the scope of the  
19 cross, so -- all right. So you are saying --

20 MR. FLETCHER: He's saying: You testified X.

21 But I don't think that's what Mr. Henriquez --

22 THE COURT: Okay.

23 Be careful about mischaracterizing the testimony.

24 It's in the record, it speaks for itself. You can ask about  
25 subjects, but don't try to characterize what Mr. Hernandez

*Hernandez - recross - Mackie*

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1 said because it is in the record and it will be in the  
2 transcript if you order it.

3 MR. MACKIE: Okay.

4 Q I believe that you also -- well.

5 THE COURT: Just give him a subject. You do not  
6 need to try to quote what he said.

7 MR. MACKIE: I'm trying to ask about the testimony  
8 that Mr. Hernandez gave on the redirect, that -- regarding his  
9 understanding of the trademark ownership.

10 THE COURT: All right. So just ask him a question.

11 MR. MACKIE: -- questions about what he said in  
12 those statements, because --

13 Q So, if this is not accurate, then you can correct me, but  
14 I believe that you said your understanding that Mr. Henriquez  
15 owned the marks was based on trust and understanding; is that  
16 a fair characterization?

17 A That's what I answered earlier?

18 Q Correct.

19 A Okay. So are you filling me in with what I said? Is  
20 that -- asking me if I agree with what I said earlier?

21 Q I'm asking you questions about the testimony you gave.

22 So you --

23 A Correct.

24 Q -- never had a direct conversation with Mr. Henriquez  
25 regarding ownership of the MSOC trademark; is that correct?

*Hernandez - recross - Mackie*

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1 A That's not true.

2 Q Okay.

3 So other than general trust and understanding, what  
4 direct question --

5 A Conversation. Conversation? You said that we didn't  
6 have any conversation.

7 Q What conversations did you have with Mr. Henriquez about  
8 trademark ownership?

9 A The same ones that we talked about, that he owns the  
10 trademark.

11 Q Do you recall when those conversations took place?

12 A Just like I said earlier when I was asked by Mr. Jordan,  
13 I don't recall those times, but it was before we formed  
14 everything and finalized the name, way before any conference  
15 was ever delivered. That's for sure.

16 Q Have you ever used the name MSOC or the -- or the -- I'm  
17 sorry -- the acronym MSOC or the name Medical Special  
18 Operations Conference on your DMS website?

19 A Absolutely. I believe so.

20 Q In what context have you used that?

21 A If that's someone that usually follows within DMS, it  
22 attracts people. It's something else that's available, so if  
23 they want to get ahold of an MSOC event, they could contact.  
24 Like shared social media, get the message out.

25 THE COURT: Does Mr. Henriquez agree with your

*Hernandez - recross - Mackie*

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1 reference to MSOC on the DMS website, or have you discussed  
2 whether or not he was all right with your --

3 THE WITNESS: One hundred percent. He put it on  
4 there for us. He does a lot of my IT, either him or Kayla  
5 Reilly.

6 Q Is there anyone other than Mr. Henriquez who is -- had  
7 control of using the name MSOC in connection with DMS  
8 services?

9 A Well, anyone could, but we let Mr. Henriquez do that. He  
10 had a lot of hats to wear and that's one that he was willing  
11 to wear.

12 Q When you say "anyone could," what do you mean by that?

13 A Vinny, myself, or Juan being part of the MSOC  
14 organization, officers within the LLC, but it was Juan who  
15 wanted to carry that mantle and we were more than happy to  
16 give him that responsibility. It was also his creation, so  
17 why not?

18 Q Understood.

19 But it was your understanding that you,  
20 Mr. Henriquez, and Mr. Johnson all had permission and  
21 control --

22 A We just said that. We just said that. But we gave it to  
23 him because he's the one who created it, so it was only  
24 appropriate for him to be able to do that.

25 Q I want to move on.

*Hernandez - recross - Mackie*

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1           You discussed honorariums and expenses for MSOC  
2 events.

3           Who paid those honorariums in the first few MSOCs?

4 A       The host agency who collected all the money.

5 Q       How much were the honorariums for instructors?

6 A       Depends where they came from and what the capabilities  
7 were and, actually, what they gave up or declined.

8 Q       Where did the money come from? It was from the --

9 A       You just asked me that question. I said from the  
10 vendors, from the participants, and collected by the host.

11 Q       Okay.

12           And where did any excess money go that wasn't paid  
13 out in honorariums?

14 A       There was -- there's no excess money that was -- it's a  
15 nonprofit, so we don't have any operating expenses. There's  
16 no employees. It's meant to give back to the community and  
17 that's exactly what we try to do, at least by maybe  
18 a 98 percent return. So Disaster Medical Solutions is able to  
19 loan a lot of equipment until MSOC is able to establish the  
20 cash, so we have no problem in doing that. It just sits in a  
21 trailer until it's used again.

22 Q       When you say "it's a nonprofit," I believe you just said  
23 the expenses were collected and paid by the host agencies;  
24 right?

25 A       Correct.

*Hernandez - recross - Mackie*

340

1 Q So who is the nonprofit that you are testifying did not  
2 have excess money?

3 A There's two nonprofits, which one do you want to talk  
4 about; the Foundation or about MSOC?

5 Q I'm --

6 A Do you know which one you want to talk about?

7 Q I'm not talking about the Foundation.

8 A Okay.

9 Q I'm asking you questions about the first few MSOCs.

10 A Okay.

11 Q And you testified that the payment was collected and  
12 disbursed by host organizations. I don't believe that you  
13 mentioned anything about a nonprofit until I asked about extra  
14 expenses and extra money.

15 So I'm asking you where the excess money in the  
16 first few MSOCs went?

17 A There was no excess money.

18 Q Thank you.

19 A You're welcome.

20 Q Other than the MSOC in Palm Beach, are you aware of any  
21 MSOC events that were only open to a single department?

22 A Other than the schedules that you see? Not that I  
23 believe.

24 Q Okay.

25 A And that particular department is a county, so there are



*Hernandez - recross - Mackie*

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1 several departments within the county, so you are incorrect in  
2 making that comment.

3 Q And is it your understanding that most MSOC events are  
4 open to the wider medical special operations community?

5 A It depends what the agencies want, but that was its  
6 intent.

7 Q Okay.

8 You mentioned that you were on a rewrite team for  
9 the MTS course. What year were you on that team?

10 A Correct.

11 Q Or years.

12 A Can't recollect. In the early 2000s, and in the 1900s.

13 Q Do you know how --

14 A It's been rewritten twice.

15 Q So you served on both of the prior rewrite committees?

16 A Correct.

17 Q And do you know if there is -- are any plans to do  
18 another revision?

19 A Yes, there is.

20 Q And do you know --

21 A There always is. Medicine is ever-changing.

22 Q Are you going to be involved with the new rewrite  
23 committee?

24 A The contractor, Texas A&M, which is also known as TEEX,  
25 asked us if we would deliver the pilot program at Texas A&M --

*Hernandez - recross - Mackie*

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1 and I'm speaking about Disaster Medical Solutions -- to bring  
2 the instructors and host that. We signed a contract with TEEX  
3 to be able to deliver that. They are the national contractor  
4 for the federal government.

5 Q Do you know who is currently serving on a rewrite  
6 committee?

7 A Do not.

8 Q Okay?

9 A Shared information. Privy to not you. It's national  
10 security and I would rather not give their names. That has  
11 nothing to do with MSOC. You're talking about FEMA, Urban  
12 Search and Rescue and the federal government.

13 THE COURT: I will add, it also has nothing to do  
14 with the issues in this case, so can we please focus on that,  
15 please.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: I just want to -- you have got a long  
18 list, and we have a long day, and I have many other matters on  
19 my calendar starting tomorrow. So please, is there anything  
20 else, sir?

21 MR. MACKIE: Yes, Your Honor.

22 THE COURT: How much more?

23 MR. MACKIE: It was a long redirect and I have to --

24 THE COURT: No, it was not, it was a 40-minute  
25 redirect, so --

*Hernandez - recross - Mackie*

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1 THE WITNESS: Plus the time I spent with you  
2 earlier.

3 THE COURT: Can we please just move it along?

4 MR. MACKIE: Yes, Your Honor.

5 Putting Exhibit D on the screen.

6 (Exhibit published.)

7 Q This is Exhibit D at page 11 of 55. It's HENR-0056.

8 You went through all of these names earlier. I  
9 don't need you to go through all of them again, I want to ask  
10 about particular people.

11 You said that Chris Ho was instrumental in the first  
12 MSOC, I believe; is that correct?

13 A That is correct.

14 Q Would Mr. Ho have personal knowledge of Mr. Henriquez's  
15 claim of ownership over the name Special Medical Operations  
16 Conference?

17 A I don't know if he knows anything individually or as far  
18 as who, but knows in general.

19 Q Okay. And --

20 A I don't think the owning of a trademark had anything to  
21 do other than the organization. So that was -- that would be  
22 nitpicking. I don't think he needed that information, so it  
23 was never asked.

24 Q Do you know whether or not Dr. Isaacs maintained a  
25 personal relationship with any of the individuals on this page

*Hernandez - recross - Mackie*

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1 after first meeting them through you?

2 A Of course. He's on the FEMA team. He's one of the 28  
3 physicians on a team, so I'm sure that he'll possibly have  
4 relationships even with the other counsels as they leave  
5 FDNY's counsel or maybe stay. Sure. It's a professional  
6 relationship.

7 Q Okay.

8 So at the time of this conference in 2014, would  
9 Dr. Isaacs have known many of these individuals personally?

10 A He would have known some of them, of course. We talked  
11 about this starting in 2009 with some of those instructors. I  
12 made that comment earlier. It's on the transcripts.

13 Q In terms of expenses for MSOC, when you were discussing  
14 the text messages that you saw before and I'm not going to  
15 waste time by putting them back on the screen, but you saw a  
16 number of -- well.

17 We were talking about the Florida -- the idea of  
18 bringing the conference down to Florida in 2018 and you  
19 discussed funding as a particular issue. Why was funding an  
20 issue for people attending MSOC as opposed to MTS?

21 A As I explained yesterday and I will do it -- and earlier  
22 today -- remember MTS? It's between 3000 and \$3500? Remember  
23 that I said that every FEMA team gets over a million dollars  
24 for training and that part of those dollars are used for  
25 individual trainings and disciplines? Medical specialists

*Hernandez - recross - Mackie*

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1 being one of them, medical team manager being another one? So  
2 if you are not on one of the 28 teams, Mr. Mackie, you've got  
3 to pay money, and that's a funding source issue. We talked  
4 about that yesterday.

5 Q I understand your testimony, Mr. Hernandez.

6 I am asking specifically, was the --

7 A I'm just repeating it. So that's funding.

8 Q Was the funding, the federal grant funding that goes to  
9 those teams, available to attend any MSOC conference?

10 A That, I don't know. That's up to each individual team.  
11 You would have to contact each one. They get to use their  
12 money. Their economists.

13 Q Couple quick questions about the MTS course that you  
14 taught at Randall's Island.

15 A So we're back to MSA and not MSOC, which is what this  
16 trial is about.

17 Q You testified that MTS at Randall's Island was offered as  
18 part of a preconference for MSOC; is that correct?

19 A Correct. That's correct.

20 Q And was there any separate charge for individuals who  
21 attended the MTS training to then attend the MSOC conference?

22 A As I explained earlier, yes, there was.

23 Q And so the \$10,000 that you discussed that DMS collected  
24 and sent to the foundation, is that for the conference  
25 attendees who went to MTS and then MSOC?

1 A No. That was a separate -- complete separate  
2 registration. MTS was handled separately. Those checks are  
3 either paid for, but the majority, about 90 percent, waits for  
4 30-plus days to be received by their particular agencies. So  
5 DMS has nothing to do with that, as far as finances.

6 The conference was run separately, that's why it was  
7 called a preconference, it was separate. Once a  
8 profit-for-agency and MSOC is a nonprofit, so those funds  
9 could not be mixed.

10 Q So is it your testimony that you did not collect fees for  
11 the MSOC conference through your registration for the MTS  
12 course that you offered?

13 A Correct.

14 MR. MACKIE: Okay. No further questions.

15 THE COURT: All right. Is there any redirect from  
16 the defendant?

17 MR. FLETCHER: No, Your Honor.

18 THE COURT: No?

19 All right. Mr. Hernandez, thank you for your time.

20 Good luck to you with your home repair. We are excusing you.

21 THE WITNESS: Thank you.

22 THE COURT: Thank you.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Stay well.

25 (Witness excused.)

1 THE COURT: Who is your next witness?

2 MR. FLETCHER: You want Dr. Lai?

3 I think the City is done, so it's my witnesses now  
4 and I'm calling Dr. Lai.

5 THE COURT: All right.

6 Hello, ma'am, come on up to the witness stand.

7 THE WITNESS: Thank you.

8 THE COURT: Thank you.

9 (Witness takes the stand.)

10 THE COURTROOM DEPUTY: Good morning.

11 Please, raise your right hand.

12 (Witness sworn.)

13 THE WITNESS: Yes.

14 THE COURTROOM DEPUTY: Please have a seat. Water is  
15 here for you and state and spell your full name, please.

16 THE WITNESS: Okay.

17 So my first name is Pamela, P-A-M-E-L-A my last name  
18 is Lai, L-A-I.

19 THE COURT: Thank you. You may proceed.

20 **PAMELA LAI,**

21 called as a witness, having been first duly  
22 sworn/affirmed, was examined and testified as  
23 follows:

24 MR. FLETCHER: Please give me one minute, Your  
25 Honor, just to move things up.

*Lai - cross - Fletcher*

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1 THE COURT: This is cross-examination of this  
2 witness by the defendant.

3 CROSS-EXAMINATION

4 BY MR. FLETCHER:

5 Q Good morning, Dr. Lai.

6 A Good morning.

7 Q My name is Jordan Fletcher, I represent the defendant in  
8 this action, Juan Henriquez.

9 Dr. Lai, you said you've been -- you're currently a  
10 deputy medical director at the FDNY; is that correct?

11 A That is correct.

12 Q And you've been at the FDNY since about 2011; is that  
13 correct?

14 A So it's a little bit complicated. So I've been a  
15 full-time deputy medical director for the Fire Department  
16 since January of 2017. I was a EMS fellow, so that's a  
17 training physician to learn how to be a medical director, and  
18 I was that fellow from 2011 to 2012.

19 Q Okay.

20 And so after you were a fellow, did you at some  
21 point have a more permanent position at the FDNY?

22 A Not until 2017. I was always just working per diem for  
23 all my medical control facility between 2012 and 2017.

24 Q But that was a per diem job at the FDNY; is that correct?

25 A That is correct.



*Lai - cross - Fletcher*

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1 Q During that period of time, is it fair to say that --  
2 well.

3 You know Dr. Isaacs, is that correct?

4 A That's correct.

5 Q And is it fair to say that Dr. Isaacs had -- was a  
6 superior to you at the FDNY?

7 A We have the same position.

8 Q Did he have any -- sorry. Go ahead.

9 A We're both deputy medical directors for the Fire  
10 Department.

11 Q Did he have any supervisory role over you at the FDNY?

12 A No. Not currently.

13 Q At any time?

14 A He was one of the program directors for the fellowship  
15 program, along with Dr. Brad Kaufman.

16 Q So when you were a fellow, he was the program director?

17 A The program director for the fellowship.

18 Q Did he have any role in getting you your per diem job at  
19 the FDNY?

20 A No.

21 Q You testified that you did a lot of work on the FDNY MSOC  
22 events; correct?

23 A I do.

24 Q Okay. You do.

25 And you did?

*Lai - cross - Fletcher*

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1 A And I did. I did since the first MSOC.

2 Q Okay.

3 What kinds of work did you do on the MSOC events?

4 A So I mean, it has varied. So since the beginning, I  
5 have -- I've pretty much just -- my role was very minor in the  
6 beginning. I was just sort of there just to -- just to help  
7 to, you know, proofread any documents or proofread like any  
8 promotional materials. I was also, more or less, just one of  
9 the people just that Doug would just kind of run ideas by.  
10 Like: Oh, does this sound like a good topic. Those sort of  
11 things.

12 I also helped with the registration at the  
13 conference.

14 Q And in your role helping out producing the FDNY MSOC, you  
15 also worked with the defendant in this action Juan Henriquez;  
16 right?

17 A Yes, I know Juan, yes.

18 Q But you worked with him to produce the FDNY MSOC;  
19 correct?

20 A I worked with him on the -- some of the promotional  
21 materials. Like I said, I was sort of the proofreader or  
22 copywriter, if you will, just to make sure everything looked  
23 okay.

24 Q So Mr. Henriquez asked you to proofread his documents?

25 A Either him or it was usually through Doug that I

*Lai - cross - Fletcher*

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1 communicated most of the time with.

2 Q But you had direct communications with Mr. Henriquez;  
3 right?

4 A Yeah, Juan and I were friends at that time, yes.

5 Q And you had direct communications with him about the  
6 documents he was creating for FDNY MSOC; right?

7 A Yes. I could call him or text him, yes, because we were  
8 friends, yes.

9 Q Okay.

10 And he called and texted you or emailed you about  
11 the materials he was working --

12 A It would go back and forth, yes.

13 THE COURT: What documents was Mr. Henriquez  
14 creating initially when you were involved in communicating  
15 with him about the program?

16 THE WITNESS: So initially, Your Honor, it would be  
17 like the promotional flyer. It could be, I don't know, any  
18 other sort of like, you know, email blast or things that would  
19 go out. I would just kind of make sure that everything looked  
20 okay or like that the grammar or language was appropriate.

21 THE COURT: What about the courses?

22 THE WITNESS: What about the courses?

23 THE COURT: Did he do an outline of the courses that  
24 would be offered, and the instructors?

25 THE WITNESS: So he may have been the one to write

*Lai - cross - Fletcher*

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1 everything down in a document, and I might have looked over  
2 that. I don't -- I don't remember exactly which documents,  
3 where they came from, who produced them, but -- but for -- a  
4 lot of the times I would take a look at them, yes.

5 THE COURT: Okay.

6 But to your knowledge, he had some role in creating  
7 the curriculum or the plan for the conference?

8 THE WITNESS: In terms of for the planning for the  
9 conference, you know, it was -- it was -- again, I think that  
10 it's sort of like a teamwork, but I think for the most part  
11 that Doug Isaacs was the one that was creating the curriculum.  
12 You know, I think that he would bounce ideas off of myself or  
13 Juan or other people as well that he was close with and I --  
14 that's how -- that's how we kind of worked to get things down.

15 THE COURT: And was this preparation for this  
16 conference authorized by the FDNY, or were you and Dr. Isaacs  
17 just working on this independently of the FDNY with --

18 THE WITNESS: No, this is always -- as far as I've  
19 always known, this was always going to be work for the FDNY.

20 THE COURT: And at about the time you first got  
21 involved, what was your position with the FDNY?

22 THE WITNESS: So in -- so my position from like,  
23 2013 or kind of leading up to the 2013 conference, is that  
24 what you're asking?

25 THE COURT: Yes. When you first got involved in

*Lai - cross - Fletcher*

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1 assisting with the MSOC.

2 THE WITNESS: So I was just a per diem physician for  
3 the Online Medical Control for the FDNY.

4 THE COURT: Thank you.

5 MR. FLETCHER: May I continue, Your Honor?

6 THE COURT: Yes.

7 Q So you mentioned publicity flyers that you saw -- that  
8 Mr. Henriquez created.

9 Did you ever see an EAP or an event action plan  
10 document?

11 A Yes, I've seen that, yes.

12 Q Okay.

13 Have you seen it from Mr. Henriquez?

14 A I'm not sure if either Juan or if Doug had first given it  
15 to me, but I have seen it and I know that Juan Henriquez did  
16 help to create that document.

17 Q Have you ever seen Mr. Henriquez's name at the bottom of  
18 any of those documents saying: Prepared by Juan Henriquez?

19 A I do not remember specifically if I saw his name on the  
20 bottom of that document.

21 Q But it's your testimony that Mr. Henriquez would ask you  
22 to comment on the documents he was creating for FDNY MSOC;  
23 right?

24 A Yeah. It would either -- like I said, it would either be  
25 him or with Doug that would ask me to take a look at the

*Lai - cross - Fletcher*

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1 documents.

2 Q And did those requests or communications that you had  
3 with Mr. Henriquez ever occur late in the evening?

4 A I can't remember specifically when they would happen,  
5 but, you know, like I said, Juan and I, as well as Doug and I  
6 were all friends so that, you know, if there were  
7 conversations that happened off-hours, that could have  
8 happened, I'm not sure.

9 Q But it's fair to say, it was a substantial amount of work  
10 producing this event every year; right?

11 A For everybody, yes.

12 Q Have you ever written lectures for Dr. Isaacs? Meaning,  
13 have you ever written a lecture that Dr. Isaacs then gave?

14 A I would help to create them, but it would never be solely  
15 for me to give to him, but we would work together on lectures,  
16 yes.

17 Q That Dr. Isaacs would give?

18 A We would do that as -- as he would do the same for me as  
19 well. Because a lot of times there are -- at least for us in  
20 the office, we are the -- sort of like the ones -- like I  
21 said, like, we would bounce ideas off of each other. A lot of  
22 times we would co-create lectures and they would be either  
23 given by himself or that even like, if I had to give a lecture  
24 at a hospital, he would help me create that as well.

25 Q And you are aware that Mr. Henriquez also wrote lectures

*Lai - cross - Fletcher*

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1 for Dr. Isaacs; is that fair to say?

2 A That part I am not aware of.

3 Q You have no knowledge of that?

4 A I do not, no.

5 Q Do you have any knowledge of Dr. Isaacs taking credit for  
6 having created work that other people created?

7 A No.

8 Q To be clear, you are a salaried employee at the FDNY;  
9 correct?

10 A Currently, I am a salaried employee.

11 Q Were you a salaried employee during the period 2013 to  
12 2019?

13 A No.

14 Q So what were you from -- when were you not a salaried  
15 employee?

16 A So from the end of my fellowship, so July 2012 until I  
17 was hired full-time in January 2017.

18 THE COURT: So you were not salaried, you were per  
19 diem.

20 THE WITNESS: I was not salaried, no.

21 Q Per diem.

22 So that means you were paid by the day that you  
23 showed up to work?

24 A Yes.

25 Q You're aware that the MSOC events at the FDNY were made

*Lai - cross - Fletcher*

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1 possible by the participation of a number of individuals  
2 outside of the fire department; is that fair to say?

3 A It's a collaborative effort from a lot of people,  
4 including outside. A lot of time we will get outside  
5 speakers. We have outside people to help us with a lot of the  
6 preconference events, yes, but it was -- Doug Isaacs was the  
7 one that was reaching out to people to organize and to help to  
8 manage this event.

9 THE COURT: Are you aware whether Dr. Isaacs ever  
10 requested from Mr. Henriquez a contact list for individuals  
11 who were involved in the MSOC conferences; lectures, vendors,  
12 et cetera?

13 THE WITNESS: I'm not sure I understand.

14 THE COURT: Do you know whether Dr. Isaacs or you  
15 ever asked Mr. Henriquez for a list of folks that were  
16 involved in MSOC conferences?

17 THE WITNESS: I was not a part of those  
18 conversations, no.

19 THE COURT: Okay.

20 So you were not aware of it.

21 THE WITNESS: I was not aware, no.

22 THE COURT: Okay.

23 What was your understanding of where Dr. Isaacs got  
24 the contact information that he used to reach out to folks  
25 when he was involved in planning these conferences?



*Lai - cross - Fletcher*

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1 THE WITNESS: It -- I mean, he has -- he has a lot  
2 of contacts throughout just both nationwide as well as  
3 international.

4 THE COURT: Do you know of the source of those  
5 contacts? Like, how did he meet them or become acquainted  
6 with them?

7 THE WITNESS: It would be through his work at the  
8 fire department, but I don't -- I'm not sure I understand.

9 THE COURT: Well, I'm just asking, did he meet these  
10 folks at other conferences outside of New York?

11 THE WITNESS: Oh, did he meet other people --

12 THE COURT: Yes, that he then used to contact to  
13 come and be involved in the MSOC FDNY conferences.

14 THE WITNESS: I think that a lot of times like, yes,  
15 we do meet a lot of different people, like, at different  
16 conferences or different meetings that, you know, we would  
17 then reach out to. If it's going to be, like, work that he  
18 does for the New York Task Force I or through the fire  
19 department, yes.

20 THE COURT: All right, thank you.

21 MR. FLETCHER: May I continue, Your Honor?

22 THE COURT: Yes.

23 Q You just stated that you knew that the MSOC event at the  
24 FDNY was produced with the help of individuals from around the  
25 country; is that correct?

*Lai - cross - Fletcher*

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1 A What do you mean by "produced"?

2 Q Well, did you know that -- do you know Joseph  
3 Hernandez -- Joe Hernandez?

4 A I do know Joe Hernandez through Juan Henriquez.

5 Q And through the FDNY MSOC events?

6 A I -- I think I probably met him before, but I think that  
7 when I was a fellow I probably met him before, but, you know,  
8 I -- I knew -- I know of him and what he does, yes.

9 Q And you knew that Joe Hernandez provided substantial  
10 assistant to help make FDNY MSOC occur; is that true?

11 A I don't know the specifics in terms of like, what his  
12 contributions were because I never worked directly with him,  
13 like, for the MSOC conference. So I'm not sure what role he  
14 played specifically for the FDNY MSOC.

15 Q You knew that there were teachers at the conference who  
16 came from around the country; right?

17 A You mean, like, the -- you mean the FEMA instructors?

18 Q The FEMA instructors. So individuals from California;  
19 right?

20 A Yes. I believe we had individuals from California. We  
21 have people from all over the country and all over the world  
22 that attend the conference.

23 Q Not just attendees, but people that made the conference  
24 happen. So the FEMA teachers; California; right?

25 A So like I said, in terms of making the conference happen

*Lai - cross - Fletcher*

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1 or to produce the conference, that was done by the fire  
2 department, but we do have outside -- you know, like I said,  
3 we have speakers from other parts of the country. We have  
4 speakers from other parts of the world who contribute to, you  
5 know, help to make the conference to what it is.

6 Q Ma'am, you are aware that there were speakers at the FDNY  
7 MSOC event who came from California; correct?

8 A For that year, I don't remember exactly who came to  
9 speak.

10 Q I'm not asking about a specific year.

11 A Okay. So --

12 Q Do you know Katie Roberts?

13 A I do, yes.

14 Q Katie Roberts comes from California; right?

15 A Yes, I know that.

16 Q She's on a federal team; right?

17 A Yes.

18 Q She spoke at the MSOC events; right?

19 A I think that she has before, yes.

20 Q Jenn Brown.

21 Do you know Jenn Brown?

22 A Yes, I do know Jenn Brown.

23 Q She is on a federal team; right?

24 A Yes.

25 Q She's a K-9 vet; right?

*Lai - cross - Fletcher*

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1 A Yes.

2 Q She comes from Florida; right?

3 A Yes.

4 Q A number of other individuals like them who spoke and  
5 taught courses at the MSOC events came from outside of FDNY;  
6 correct?

7 A Yes. That's correct. That's what I said.

8 Q Okay. Thank you.

9 Dr. Isaacs knew that, too; right?

10 A Yes, 'cause he would ask them to come to speak at the  
11 conference, yes.

12 Q Were you personally present when Dr. Isaacs asked those  
13 individuals to speak?

14 A No.

15 Q So you have no personal knowledge of how those  
16 individuals arrived at the conference; correct?

17 A Yeah, that's correct.

18 Q Now, you also knew that MSOC events happened outside of  
19 the fire department; right?

20 A Say that again. I'm sorry.

21 Q You also knew that MSOC events happened outside of the  
22 fire department of New York; correct?

23 A No.

24 Q You had no knowledge of that?

25 A I had no knowledge of that.

*Lai - cross - Fletcher*

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1 Q You never had a conversation with Mr. Henriquez about  
2 MSOC events outside of New York?

3 A No, I have not.

4 Q Okay.

5 And never with Dr. Isaacs?

6 A Never with Dr. Isaacs either.

7 Q You did teach, I think you said in a declaration, you  
8 taught a FEMA MTS course for Joe Hernandez is that right?

9 A Yes, that's correct.

10 Q And you had no knowledge that there was an MSOC course  
11 occurring shortly after that FEMA course?

12 A I did not know. I was not aware of that, no.

13 THE COURT: Where was this that you taught? Was it  
14 in Maryland, August 2017?

15 THE WITNESS: Yes, that's correct.

16 THE COURT: Thank you.

17 Q Did you know that Dr. Isaacs taught a class for  
18 Mr. Henriquez and Mr. Hernandez in Palm Beach in 2015?

19 A Yes, I was aware of that.

20 Q Okay.

21 But you didn't know that was called MSOC?

22 A I was not aware that it was called MSOC, no.

23 Q So it's your testimony that Dr. Isaacs was the individual  
24 responsible for creating the MSOC at the FDNY; is that right?

25 A Yes.

*Lai - cross - Fletcher*

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1 Q Do you know whether Dr. Isaacs had direct communications  
2 with foundation leadership about that?

3 A About the conference?

4 Q Yes.

5 A Yes.

6 Q Okay.

7 With Jean O'Shea?

8 A Yes.

9 Q Did Dr. Isaacs have direct communications with FDNY  
10 chiefs about the FDNY MSOC conference?

11 A Yes, because we -- he would have to get approval and --  
12 to say that this -- whatever that he would need in terms of  
13 even like, the dates, locations, everything, needed to be  
14 approved, yes.

15 Q So Dr. Isaacs was required to seek approval from  
16 Jean O'Shea or Chief Nahmod or other FDNY chiefs --

17 A Yes, that is correct.

18 Q -- for things related to the MSOC?

19 A Yes, that is correct.

20 Q Did you know Jean O'Shea to be personally involved in all  
21 of the details of all of the FDNY MSOC events?

22 A I don't know that and, especially during the first years,  
23 I was never involved with any of those discussions.

24 Q Did you have the impression that Jean O'Shea knew all the  
25 details about the logistics of what was going to happen during

*Lai - cross - Fletcher*

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1 the planning process?

2 A Well, like I said, she would have to approve in terms of  
3 budgets and everything else, yes.

4 Q Okay.

5 So she would have to approve it but --

6 (Witness enters/leaves the courtroom.)

7 THE COURT: Have you instructed your witness they  
8 should not enter the courtroom?

9 MR. MACKIE: I apologize for that.

10 THE COURT: Because it is disruptive.

11 All right. Go ahead.

12 Q So -- was that Jean O'Shea?

13 A I think it was.

14 THE COURT: Who was that person?

15 MR. MACKIE: That was Jean O'Shea.

16 THE COURT: Great. All right.

17 Q So you don't know whether Jean O'Shea had specific  
18 details about the conference planning process while it was  
19 going on?

20 A I do not know that.

21 Q You don't have any personal knowledge that she had -- she  
22 was involved day-to-day; right?

23 A Excuse me?

24 Q You don't have any personal knowledge that she was  
25 involved day-to-day in all of the things that Dr. Isaacs was

*Lai - cross - Fletcher*

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1 doing?

2 A I do not -- I do not know.

3 Q It was your understanding that Dr. Isaacs was doing that  
4 and he would go ask for specific permissions from Jean O'Shea;  
5 right?

6 A As far as I know, yes.

7 Q And the same with respect to FDNY chiefs. They were not  
8 personally involved in logistics of this conference; right?

9 A So like I said I cannot speak in terms of what knowledge  
10 that the other chiefs or the other -- you know, other parties  
11 might have, I don't know.

12 Q But you understood that Dr. Isaacs was responsible for  
13 going to seek approval from those chiefs?

14 A Yes.

15 Q Related to the production of the conference; right?

16 A Yes.

17 Q Did you understand that Dr. Isaacs was communicating with  
18 conference vendors and sponsors?

19 A Yes.

20 Q Okay.

21 And you understood that he received and managed  
22 information related to the conference?

23 A What do you mean by "information"?

24 Q Who was going to speak, when they were going to speak,  
25 how it was going to be sourced.



*Lai - cross - Fletcher*

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1 A Yes.

2 Q Materials, vendors, logistics. That was what Dr. Isaacs  
3 was managing; right?

4 A He was managing the conference.

5 Q Okay.

6 And you understood that he would pass information to  
7 Ms. O'Shea or the FDNY chiefs when it was necessary to do so;  
8 correct?

9 A Well, like I said, I've never been a part of those  
10 discussions, so I can't say like, you know, what information  
11 was passed.

12 Q But you understood that he was supposed to pass  
13 information and seek approval where it was required?

14 A I understand that part, yes.

15 Q And if something was approved, he would communicate it  
16 back to you or Mr. Henriquez; correct?

17 A Yes. Well, information that I needed to know, yes.

18 Q And you understood -- it was your impression that  
19 Dr. Isaacs was authorized by the FDNY and the Foundation to do  
20 the things that you saw him doing; correct?

21 A In terms of being authorized by the department?

22 Q Yes.

23 A Yes. By the department, yes.

24 Q And by the Foundation?

25 A By the Foundation.

*Lai - cross - Fletcher*

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1 Q And last question on this.

2 And when Dr. Isaacs would tell you: I ask for  
3 permission for X, subsequently X would happen. So, for  
4 example, Mr. Henriquez would give a flyer -- a promotional  
5 flyer to Dr. Isaacs, Dr. Dr. Isaacs would pass that up the  
6 chain of command for approval, Dr. Isaacs would say it was  
7 approved and then that flyer would be used; correct?

8 A Correct.

9 Q By the FDNY --

10 A Correct.

11 Q -- and by the Foundation; correct?

12 A Correct.

13 Q Did Mr. Henriquez ever tell you he was concerned about  
14 Dr. Isaacs running the FDNY MSOC event?

15 A Not that I remember, no.

16 Q He never told you he had financial concerns about the way  
17 the FDNY MSOC was being run?

18 A No.

19 Q He never told you he had concerns about Dr. Isaacs's  
20 ethics and the transparency?

21 A Never.

22 Q Never had a conversation.

23 A Never.

24 Q Do you have a personal relationship with Dr. Isaacs  
25 outside of your employment?

*Lai - cross - Fletcher*

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1 A We are -- we are good friends. We are co-workers, yes.

2 Q Have you ever had romantic relationship with Dr. Isaacs?

3 A How is this relevant, my personal --

4 THE COURT: It goes to your bias and other issues.  
5 It is relevant.

6 THE WITNESS: Why?

7 THE COURT: Well, if you are biased. It is  
8 something that we can consider.

9 A We did, but that was a very long time ago, and it was  
10 very short.

11 Q In 2014, you moved to an apartment directly across the  
12 street from him on the East Side; correct?

13 A I moved to an apartment. I moved.

14 Q And that apartment was very close to Dr. Isaacs's  
15 apartment; correct?

16 A It may be.

17 Q Was it?

18 A Yes.

19 Q Thank you.

20 2018, FDNY MSOC conference. There was -- there were  
21 some people hanging out after the event in the evening one  
22 night. Prior to that, do you recall ever hearing about any  
23 conversations about moving the MSOC to California?

24 A Not that I can recall.

25 Q Do you recall a conversation that you understood to have

*Lai - cross - Fletcher*

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1 happened between Katie Roberts from California and -- is it  
2 Dr. Asaeda?

3 Do you know Dr. Asaeda?

4 A I do know Dr. Asaeda, he's my supervisor.

5 Q Do you recall a conversation -- that you understood that  
6 a conversation occurred in 2018 during the time of the  
7 conversation between Katie Roberts and Dr. Asaeda, with  
8 Dr. Isaacs present, where Katie Roberts told Dr. Asaeda that  
9 the conference was going to be moved to California the  
10 following year?

11 A So I remember Dr. Asaeda saying this in the past tense.  
12 I don't remember who he said was present, but I remember that  
13 he said that he had a conversation with Katie Roberts.

14 Q That the conversation -- that the conference would be  
15 moved to California the following year?

16 A From what I can remember, it was her saying that they  
17 wanted to have the conference in Virginia, but that was never  
18 to say that it was to be approved or that it was already going  
19 to be moved, no.

20 Q Do you remember --

21 THE COURT: Well, may I ask, would the FDNY have to  
22 approve MSOC doing the -- planning to do the conference in  
23 California or any other place outside of New York City?

24 THE WITNESS: There was never any conversations for  
25 that to even happen.

*Lai - cross - Fletcher*

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1 THE COURT: To your knowledge, did the FDNY have to  
2 approve where the MSOC held its conferences?

3 THE WITNESS: I would believe so because it's the  
4 FDNY conference, so I would think that the FDNY would need to  
5 have an approval process if it was going to go somewhere else.

6 THE COURT: I am talking not about the FDNY-hosted  
7 MSOC conference. I am talking about the MSOC conferences that  
8 were being held all over the country; before the NY event, and  
9 after the NY events.

10 THE WITNESS: I mean, we would only just be  
11 responsible for the FDNY MSOCs.

12 THE COURT: So that was a separate arrangement,  
13 correct?

14 The FDNY MSOC conference was separate from all the  
15 other nationwide MSOC conferences that were going on before,  
16 during, and after the FDNY-hosted MSOC conferences; am I  
17 correct?

18 THE WITNESS: I mean, like, I only knew of the other  
19 MSOC conferences that Juan and Joe were doing. I don't  
20 remember the exact year that that happened. That was, like,  
21 probably after -- I think after 2018. I don't remember the  
22 dates for those, but that is not an FDNY event.

23 THE COURT: Right.

24 THE WITNESS: Is that what you were referring to?

25 THE COURT: Yes. I am talking about the MSOC

*Lai - cross - Fletcher*

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1 conferences that were done outside of New York City separate  
2 from the FDNY elsewhere in the country.

3 THE WITNESS: What's the question? I'm sorry.

4 THE COURT: So were you aware that MSOC was  
5 providing conferences elsewhere in the country?

6 THE WITNESS: I was aware of the ones, like, in --  
7 like, I don't know, 2019 or, you know. After there was the  
8 dispute with everything, I knew of those conferences, yes.

9 THE COURT: Okay.

10 And so, did you know in 2018 when Katie Roberts told  
11 Dr. Asaeda that next year the MSOC would be in California, did  
12 you know that they had planned to do it in California in 2018  
13 but couldn't for whatever reasons.

14 THE WITNESS: No, I did not. I don't know any of  
15 those planning discussions or anything like that.

16 THE COURT: What did Dr. Asaeda say to you when he  
17 told you about Katie Robert's statement that she was going to  
18 be -- that the MSOC would be in California?

19 THE WITNESS: I don't remember what his response  
20 was, to be honest, but I just remember that he told Doug and  
21 myself that conversation -- like, he had a conversation with  
22 her. I don't remember what his response was.

23 THE COURT: Okay.

24 It was just in passing, matter of fact?

25 THE WITNESS: Yeah, it was in-passing conversation,

*Lai - cross - Fletcher*

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1 yes.

2 THE COURT: Okay. Thank you.

3 Q Dr. Lai, after hearing about that conversation between  
4 Katie Roberts and Dr. Asaeda, you went and told a group of  
5 people, including Mr. Henriquez, that Dr. Isaacs was having a  
6 shitsy-fit; right?

7 A I don't remember that conversation, and I don't -- would  
8 not use that exact words. That's not in my vocabulary to use  
9 that.

10 Q Would you have used some words like it; that Dr. Isaacs  
11 is unhappy about this conversation?

12 A I would -- I would probably say something like that,  
13 yeah.

14 Q Do you recall telling a group of people that Dr. Isaacs  
15 was unhappy about that conversation?

16 A I don't remember, no.

17 Q Do you recall telling a group of people that Doug thinks  
18 he's going to get fired?

19 A I would never -- I don't remember any conversation where  
20 he thought that he was going to get fired.

21 Q And you didn't tell Mr. Henriquez that you and Dr. Isaacs  
22 knew that there were issues with the conference but Dr. Isaacs  
23 wasn't ready to tell the FDNY and foundation about the  
24 movement?

25 A There was -- as far as I knew, there was -- I don't

*Lai - redirect - Mackie*

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1 know -- I don't remember any conversations about moving the  
2 conference. I know that putting on a conference is very much  
3 a hardship for everybody. You know, this is -- in terms of,  
4 you know, even with now being a full-time employee for the  
5 fire department, you know, it's not something that I ever  
6 thought or knew that I would ever be like, responsible for or  
7 to help to be a part of.

8 It is a lot of work to do and I know that there were  
9 a lot of frustrations over the years in terms of a lot of the  
10 logistics, a lot of planning, a lot of the support. I don't  
11 remember any conversation for Doug saying that he would get  
12 fired or he was worried about getting fired because of the  
13 conference.

14 MR. FLETCHER: Okay. Thank you. No further  
15 questions, Your Honor.

16 THE COURT: Anything else? Would you like to  
17 examine this witness?

18 MR. MACKIE: One question, Your Honor.

19 THE COURT: Sure.

20 REDIRECT EXAMINATION

21 BY MR. MACKIE:

22 Q Dr. Lai, you were asked some questions about your  
23 relationship with Dr. Isaacs outside of work.

24 Do you believe that -- sorry. There was a reference  
25 to a romantic relationship.



*La, - redirec - Mackie*

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1 Do you recall around the years that that took place?

2 A It was -- it was -- it was after my fellowship year, and  
3 it was, you know, when I was, I don't know, about probably  
4 like 2013, but it did not last very long. And, I mean, we  
5 remained friends just as I am friends with a lot of people.

6 Q Understood.

7 Do you believe that your personal friendship with  
8 Dr. Isaacs has any -- do you believe that your personal  
9 friendship with Dr. Isaacs has had any effect on your ability  
10 to testify truthfully today?

11 A No.

12 Q Thank you.

13 MR. MACKIE: No further questions, Your Honor.

14 THE COURT: When you were in the romantic  
15 relationship with Dr. Isaacs in 2013, you were a fellow?

16 THE WITNESS: No, I was not a fellow.

17 THE COURT: Oh, you were a per diem.

18 THE WITNESS: Per diem.

19 THE COURT: And did you report to Dr. Isaacs at that  
20 time as a supervisor?

21 THE WITNESS: No.

22 THE COURT: Who did you report to?

23 THE WITNESS: It would be Dr. Asaeda. He is the  
24 chief medical director for our office.

25 THE COURT: Okay.

*Proceedings*

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1 Was your relationship with Dr. Isaacs known to  
2 Dr. Asaeda and others in the FDNY medical --

3 THE WITNESS: No. Because it was just a passing,  
4 very short-lived event, and it didn't -- there's nothing that  
5 became of it or anything else, so it was nothing to report. I  
6 was not a full-time employee, or there was no supervisors, I  
7 don't know, type of relationship, so I don't...

8 THE COURT: All right. Thank you, ma'am.

9 Anything else from this witness?

10 MR. FLETCHER: No, Your Honor.

11 THE COURT: Okay, Dr. Lai, you are excused. Thank  
12 you for your time today. Good luck to you, and have a good  
13 day.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 MR. FLETCHER: Jean O'Shea is next.

17 THE COURT: Okay.

18 There is an exhibits book up on the witness stand.  
19 Does that need to be there?

20 THE CLERK: They asked for it to be there.

21 MR. FLETCHER: I hope there are two up there.

22 THE COURTROOM DEPUTY: Yes.

23 THE COURT: Hello. Good morning. Come on up to the  
24 witness stand, ma'am.

25 (Witness takes the stand.)

*C Shea - cross - Fletcher*

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1 THE COURTROOM DEPUTY: Good morning. Please raise  
2 your right hand.

3 (Witness sworn.)

4 THE WITNESS: I do.

5 THE COURTROOM DEPUTY: Have a seat and state and  
6 spell your full name, please.

7 THE WITNESS: Jean O'Shea, O-S-H-E-A.

8 THE COURT: Is it J-E-A-N?

9 THE WITNESS: Correct.

10 THE COURT: Thank you, you may proceed.

11 **JEAN O'SHEA,**

12 called as a witness, having been first duly  
13 sworn/affirmed, was examined and testified as  
14 follows:

15 CROSS-EXAMINATION

16 BY MR. FLETCHER:

17 Q Good morning, ma'am.

18 My name is a Jordan Fletcher. I'm an attorney for  
19 the defendant, Juan Henriquez, in this case.

20 Ms. O'Shea, you are the executive director of the  
21 FDNY Foundation; is that correct?

22 A Yes.

23 Q And the FDNY Foundation is, I guess it's formally  
24 separate from the fire department; is that correct?

25 A Correct.

*C Shea - cross - Fletcher*

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1 Q But there's a close connection between the department and  
2 the Foundation; is that right?

3 A Yes.

4 Q Could you explain that connection to me?

5 A Sure.

6 So basically we raise funds for the FDNY to help the  
7 members save lives and protect property. Our primary funding  
8 effort is for fire safety education, so we have programs that  
9 go out into the community to provide fire safety education,  
10 CPR, and other community trainings.

11 Q Do you raise funds for any organization other than the  
12 fire department?

13 A No.

14 Q So your whole mission is to support the fire department  
15 and fire safety; fair to say?

16 A Correct.

17 Q As the executive director you are the primary  
18 decision-maker at the foundation; is that right?

19 A Well, yes. I mean, I report to a Board of -- 20 Board  
20 members -- 26 members from the business community and the  
21 commissioner, chief of department and former commissioners.

22 Q So there are fire department chiefs and commissioners and  
23 retired fire department chief and commissioners on your Board?

24 A Correct.

25 Q You state in your declaration that Dr. Doug Isaacs was

*C Shea - cross - Fletcher*

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1 the principle organizer of the FDNY MSOC conferences; is that  
2 correct?

3 A Correct, yes.

4 Q And you worked with him together in that capacity?

5 A Correct.

6 Q Okay.

7 But Dr. Isaacs was the one who sort of led the  
8 charge on that; is that fair to say?

9 A He led the charge after he reviewed the plan and idea  
10 with the upper leadership of the department.

11 Q Okay.

12 And you had direct communications with Dr. Isaacs  
13 about those conferences; right?

14 A Yes.

15 Q And I've seen documents, it seems like Dr. Isaacs asked  
16 for your approval for various materials and other issues  
17 related to the conference; is that fair to say?

18 A Yes, so long as, again, it was approved by the leadership  
19 of the department.

20 Q So your understanding was that Dr. Isaacs needed to get  
21 approval from the FDNY leadership and also from you at the  
22 foundation.

23 A Correct.

24 Q So for example, Dr. Isaacs sent you marketing flyers;  
25 correct, for the conference for approval?

*C Shea - cross - Fletcher*

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1 A Correct.

2 Q He also asked for your approval for website content for  
3 the conference website?

4 A He would work with department people to put that  
5 together, yes.

6 Q And then he would show it to you and say: Hey this is  
7 what we're going to do; is this okay?

8 Right?

9 A Correct.

10 Q I saw an email exchange where he asked your approval to  
11 post conference lectures on the websites.

12 Do you recall that?

13 A Yes.

14 Q And you were also involved in coordinating logistics with  
15 Dr. Isaacs; right, to some degree?

16 A Yes.

17 Q But Dr. Isaacs was really the one in the day-to-day and  
18 you were just there for support; is that fair to say?

19 A Correct, Dr. Isaacs and the rest of the team from the  
20 FDNY.

21 Q Was it your understanding -- sorry.

22 MR. FLETCHER: Strike that.

23 Q It was your understanding that the FDNY chiefs from whom  
24 Dr. Isaacs was seeking approval were also not involved in the  
25 day-to-day of conference planning; correct?

*C Shea - cross - Fletcher*

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1 A Correct, yeah.

2 Q I mean, they were chiefs --

3 A Right.

4 Q They didn't want to know the nitty-gritty?

5 A Correct.

6 Q They trusted Dr. Isaacs to plan everything and seek  
7 approval where necessary; right?

8 A Correct, yes.

9 Q And you understood that that was all within the scope of  
10 what Dr. Isaacs was entrusted to do by the department; right?

11 A Correct.

12 Q And you did, on a number of occasions, see Dr. Isaacs  
13 seek approval and pass information to the FDNY chiefs;  
14 correct?

15 A Yes.

16 THE COURT: To the best of your knowledge, did  
17 Dr. Isaacs work with authority and permission from both the  
18 Foundation and the FDNY in the acts and planning that he did  
19 for the MSOC FDNY conference?

20 THE WITNESS: Yes.

21 THE COURT: Are you aware of any instances where  
22 Dr. Isaacs took actions with regard to the FDNY-hosted MSOC  
23 that were not approved by the Foundation or the FDNY?

24 THE WITNESS: No, not to my knowledge.

25 THE COURT: Thank you.

*C Shea - cross - Fletcher*

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1 Q But to some degree, Dr. Isaacs also acted independently,  
2 right, in the sense that you were not on all phone calls that  
3 Dr. Isaacs had about the conference.

4 A Correct.

5 Q You weren't on all the emails?

6 A Correct.

7 Q You didn't understand that all the FDNY chiefs were  
8 involved on all Dr. Isaacs conferences-related phone calls and  
9 emails; right?

10 A Correct.

11 Q So you knew Dr. Isaacs was having communications that you  
12 were not personally privy to; correct?

13 A Correct.

14 Q But you relied on Dr. Isaacs that, if there was anything  
15 important, he would bring it to your attention.

16 A Correct.

17 Q Now, I think you stated in your declaration that you had  
18 limited contact with Mr. Henriquez in the course of planning  
19 the MSOC events at the FDNY; right?

20 A I wouldn't know him if I saw him. I think I met him once  
21 at one of our initial meetings.

22 Q But you knew from Dr. Isaacs that Mr. Henriquez was  
23 involved in conference planning; right?

24 A I -- it was one of many names, yes.

25 Q We can look at some documents. I would love to not if we



*C Shea - cross - Fletcher*

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1 don't have to, but do you recall ever receiving emails where  
2 Dr. Isaacs said: Juan Henriquez prepared this flyer, Juan  
3 Henriquez prepared the website, check it out?

4 A Again, I don't recall. That would have went through, you  
5 know, the department website developers. I'm sure once it was  
6 approved, I would have been sent it, yeah.

7 Q You have some binders in front of you. There should be  
8 one -- one is definitely black and says Defendant's Exhibits  
9 and it's got exhibits with letter tabs inside.

10 Do you see that?

11 A I do.

12 Q If you could turn to Exhibit D, and then there's page  
13 numbers on the bottom left of the pages. It's 5 of 55. It's  
14 an email.

15 A Got it.

16 Q Do you see that this is -- and this is for the record --  
17 FDNY 383.

18 A Oh, okay, yep.

19 Q Do you see this is an email from Dr. Isaacs to yourself  
20 and others dated December 20, 2013?

21 A Yes.

22 Q And you say: Attached is the draft MSOC --

23 MR. FLETCHER: Sorry. Strike that.

24 Q Dr. Isaacs says: Attached is the draft MSOC flyer for  
25 your review. Juan again has done an amazing job.

*C Shea - cross - Fletcher*

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1 A Yes.

2 Q Okay.

3 Did you know who Dr. Isaacs was referring to when he  
4 said: Juan has done an amazing job?

5 A Yes.

6 Q Who was he referring to?

7 A Juan Henriquez.

8 Q And Juan Henriquez was, in fact, cc'd on this email;  
9 right?

10 A Correct.

11 THE COURT: What page was that again? I'm sorry.

12 MR. FLETCHER: I'm sorry. It's 5 of 55 in  
13 Exhibit D, Bates stamped F-383.

14 THE COURT: Thank you.

15 Q Do you recall that there was a website created for the  
16 first MSOC event hosted by the FDNY in 2013?

17 A I know there was, yes.

18 Q Okay.

19 But that website was not created by the Foundation;  
20 right?

21 A We don't create websites. The department creates the  
22 websites.

23 Q And that website was not created by the fire department  
24 either; right?

25 A No.

*C Shea - cross - Fletcher*

383

1 Q That website for the 2013 event was created by Juan  
2 Henriquez; right?

3 A I don't know that.

4 Q You don't know that.

5 A No.

6 THE COURT: But it wasn't created, you said, by the  
7 Foundation or --

8 THE WITNESS: No. We work with the department  
9 website developers and social media to do these kind of things  
10 and I know they were involved with this.

11 THE COURT: With the creation of a website?

12 THE WITNESS: I thought so, yeah.

13 Q Would those website developers be Joe Malvasio and Hugh  
14 Lesner?

15 A Correct.

16 Q Joe Malvasio and Hugh Lesner did not create a website for  
17 the first conference in 2013, right?

18 Do you know?

19 A I don't know.

20 Q You do know that at some point there was a donation  
21 agreement --

22 A Yes.

23 Q -- signed between the Foundation and Mr. Henriquez;  
24 right?

25 A Correct, yes.

*C Shea - cross - Fletcher*

384

1 Q I think -- did you sign that agreement?

2 A I did.

3 Q And was it your understanding that that was an agreement  
4 under which Mr. Henriquez would create a website for the  
5 Foundation for an MSOC conference?

6 A My understanding, again, was that he was volunteering his  
7 efforts for the conference.

8 Q Okay.

9 A The details of that, I don't -- I don't know if it was a  
10 website or what it was.

11 Q So if you turn to Exhibit 3 -- I'm sorry, E like  
12 elephant, and the first Bates stamp on this is PTF-585.

13 A Right.

14 Q Do you see that this is the donation agreement?

15 A Yes.

16 Q Signed by you and Mr. Henriquez?

17 A Yes.

18 Q Do you see what the date of this agreement is? It's in  
19 the top paragraph.

20 A November 2013.

21 Q So that was -- November 2013 is after the first MSOC  
22 conference, right?

23 THE COURT: Before the first FDNY --

24 Q After FDNY MSOC -- the first FDNY MSOC conference was  
25 May 2013, right? I'm not asking for a memory test. If you

*C Shea - cross - Fletcher*

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1 don't remember, I can show you a document.

2 A Yes.

3 Q It was May 2013?

4 A Correct.

5 Q So you signed the donation agreement after that first  
6 conference; right?

7 A Yes.

8 Q And if you look down to the second "whereas" paragraph,  
9 so it's three paragraphs into the agreement. It's  
10 highlighted. It says: The Foundation is hosting a Medical  
11 Special Operations Conference at the fire academy May 15,  
12 2014.

13 Do you see that?

14 A Yes.

15 Q It appears that this agreement is talking about the 2014  
16 event; correct?

17 A Yes.

18 Q Okay.

19 So as you sit here today, do you recall whether  
20 there was a website for the first event in 2013?

21 A I do recall there was a website, yes.

22 Q Okay.

23 Do you recall who created the website?

24 A No, I don't.

25 Q Did you ever see any event action plans for the FDNY MSOC

*C Shea - cross - Fletcher*

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1 conferences?

2 A Yes.

3 Q Yes.

4 Let's look at one. Exhibit D. And let's look at  
5 the event action plan for 2014. This is page 14 of 55 in  
6 Exhibit D. The Bates stamp of the first page is HENR-36.

7 A Okay. Got it.

8 Q It says FDNY MSOC 2014 EAP?

9 A Correct.

10 Q Do you recall whether you've ever seen this document  
11 before?

12 A Kind of looks familiar.

13 Q Did you see these kinds of documents during the period of  
14 time that the FDNY was -- during the period 2013 to 2019?

15 A I'm sure I did.

16 Q Okay.

17 Do you see at the bottom of this first page it says:  
18 Prepared by Juan Henriquez?

19 A I do.

20 Q Do you recall whether you ever noted that Mr. Henriquez  
21 was preparing these documents --

22 A No.

23 Q -- or documents like them?

24 A No.

25 Q Let's back up for a second.

*C Shea - cross - Fletcher*

387

1           You -- I believe you stated in your declaration --  
2 maybe you did, maybe you didn't -- but was it your belief that  
3 Dr. Isaacs came up with the idea for the FDNY MSOC events?

4       A     I -- my idea was there was a group of people that came up  
5 with the idea of MSOC, including Dr. Isaacs.

6       Q     I'm sorry, ma'am, could you pull the microphone closer to  
7 yourself?

8       A     Sure.

9           My understanding was there was a group of people  
10 from the FDNY that came up with the idea as a way to support,  
11 enhance training for our EMS side. We had done a number of  
12 conferences on the fire side and this was geared more toward  
13 the EMS side.

14       Q     You can also pull the microphone towards you if that's  
15 easier. It moves, so whatever is best for you.

16           So you said your understanding was there was a group  
17 of people.

18           Who was in that group?

19       A     I'm sure it was the chief of department, chief of EMS,  
20 and a host of other people. Again, it came to me with all the  
21 approvals, let's move forward with this, this is a great  
22 conference, a great benefit to the department, and to  
23 emergency medical people, kind of across the country.

24       Q     When you say you're "sure," do you have any personal  
25 knowledge of who came up with the idea?

*C Shea - cross - Fletcher*

388

1 A No.

2 Q Okay.

3 It was just, it seemed like it came from the  
4 department.

5 A Correct.

6 Q And you don't personally know that Dr. Isaacs came up  
7 with the name Medical Special Operations Conference; right?

8 A I don't know. I don't know. Not sure.

9 Q Okay.

10 You don't have any personal knowledge; right?

11 A No.

12 Q But to be clear, the Foundation in the FDNY used the name  
13 Medical Special Operations Conference during the period 2013  
14 to 2019; right?

15 A Correct.

16 Q And they used the acronym MSOC to refer to that event  
17 during the same period; right?

18 A Yes.

19 THE COURT: Ma'am, when Dr. Isaacs first came to you  
20 about the FDNY sponsoring the MSOC conference, did he explain  
21 or did you know from other sources that MSOC had been  
22 presenting conferences elsewhere in the country before  
23 Dr. Isaacs came with the idea to do it in New York?

24 THE WITNESS: No.

25 Q So the FDNY and the -- excuse me.



*C Shea - cross - Fletcher*

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1           The Foundation, which is what you knew, and the FDNY  
2 I suppose, but you agreed to host the event in 2013; right?

3 A     Correct, yes.

4 Q     But from the start, there wasn't any intent to do it  
5 every year forever; right?

6 A     There was. My understanding was, yeah, this was  
7 something we were going to do to support, you know, the fire  
8 department and our EMS and, yes.

9           You know, the whole idea was it was a conference  
10 that led us into EMS week. Every year we have EMS week and  
11 this was like, an added conference that we involved our EMS  
12 members.

13 Q     So your understanding -- your recollection is that from  
14 the very beginning, the FDNY and the Foundation were  
15 wholeheartedly on board with this event; right?

16 A     Correct. If the department felt it was beneficial.

17 Q     In other words the Foundation was going to get on board  
18 with whatever the department wanted?

19 A     Correct.

20 Q     But you, yourself, had concerns about hosting those  
21 events, right, at the beginning?

22 A     I don't know that I had concerns. You know, I think that  
23 it was brought to us, the leadership thought it was a good  
24 idea, we saw the value in it, and we hosted it.

25 Q     Could you turn to Exhibit S in the binder in front of

*C Shea - cross - Fletcher*

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1 you.

2 A S?

3 Q S like "Sam."

4 A Okay.

5 Q This is a document. It's an email exchange without a  
6 Bates stamp, but there's two emails on the page, the bottom  
7 email is a -- an email from you to Dr. Isaacs, dated June 16,  
8 2014.

9 Do you see that?

10 A I do.

11 Q Why don't you take a minute to read that.

12 A Yes, I see it.

13 Q Do you see how you're listing -- well, why not ask.

14 Does this email refer to the MSOC event at FDNY?

15 A It probably refers to everything we do at the foundation.  
16 You know, we're a very small staff, but I think, again, the  
17 value outweighed any concerns and I think we tightened up any  
18 concerns that we had.

19 Q Let me back up.

20 So you talk about positives and negatives, right?

21 And do you see the number one below the negatives? You say:  
22 The MSOC is very labor-intensive for the FDNY Foundation.

23 So you're talking about the FDNY MSOC event in this  
24 email; right?

25 A Correct.

*C Shea - cross - Fletcher*

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1 Q And you're saying that there are positives, because it  
2 brings good things to the department, but you're also saying  
3 that it's very labor-intensive and EMS needs to provide more  
4 support; right?

5 A Correct.

6 Q And the Foundation was not generating enough money from  
7 the event.

8 Do you see that in number two?

9 A Yes.

10 Q Basically, all of the funds raised through MSOC were  
11 expended MSOC and EMS week; right?

12 A Right.

13 Q So, basically, the conference was breaking even; is that  
14 fair to say?

15 A Yeah, I think so.

16 Q Well, let me ask you: EMS week, what is EMS week?

17 A It's an opportunity to bring EMS together and really  
18 recognize and acknowledge them for the great work that they  
19 do. So they have exhibits and they have events and, you know,  
20 it's just a good opportunity to recognize and thank them for  
21 their work.

22 Q So it's entirely separate from the MSOC event; right?

23 A It is, but, again, it was one of the reasons that we kind  
24 of decided to move forward with MSOC.

25 Q But EMS week, it's another separate program that the

*C Shea - cross - Fletcher*

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1 Foundation does; is that right?

2 A Correct.

3 Q Okay.

4 So you were using revenues from MSOC to support EMS  
5 week; is that correct?

6 A Correct.

7 THE COURT: Ma'am, you refer in this email to the  
8 revenues that are generated.

9 Did Dr. Isaacs have access to that financial  
10 information?

11 THE WITNESS: Not to my knowledge, no.

12 THE COURT: Do you know for sure, one way or the  
13 other, whether Dr. Isaacs had access to the financial  
14 information that was for revenues generated or expended for  
15 the MSOC conference?

16 THE WITNESS: I don't see -- no, I don't think so.

17 THE COURT: Okay. Thank you.

18 Q Ma'am, turning back to this document.

19 So my question, revenues generated from MSOC were  
20 being used to support other foundation activities; is that  
21 fair to say?

22 A Right. Correct, yes.

23 Q And between producing the MSOC and the other foundation  
24 activities, it was a wash; is that what you're expressing in  
25 this email? "A wash" meaning there wasn't extra revenue.

*C Shea - cross - Fletcher*

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1 A Yes, correct.

2 Q And it seems to me like you are expressing that the  
3 Foundation wanted to make more money from the MSOC event  
4 because it wasn't enough just to support MSOC and EMS week; is  
5 that --

6 A No, I don't think that's it. I think we had concerns, it  
7 was after the first year, you know, what we could do to  
8 generate additional support for it.

9 Q Okay.

10 But you do say the Foundation wasn't generating  
11 enough funds from the conference; right?

12 A Yes.

13 Q And the next line you say: It's not marketed enough,  
14 attendance should be higher; right?

15 A Correct, yes.

16 Q Okay.

17 So this email appears to be you telling Dr. Isaacs  
18 that there's some pros and cons of the event; right?

19 A Correct, yes.

20 Q But it's your testimony that there was no ambivalence in  
21 your mind at that point whether the FDNY or the Foundation  
22 would continue to host the event?

23 MR. MACKIE: Objection, Your Honor.  
24 Mischaracterizing her testimony.

25 THE COURT: Well, ask the question without

*C Shea - cross - Fletcher*

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1 characterizing her testimony.

2 Q I'm looking at an email here that appears to express  
3 ambivalence, to me, so I'm going to ask you: Did you have any  
4 ambivalence?

5 A No. You know, it benefitted the department. It  
6 benefitted EMS. That was our goal.

7 Q I'm going to move to actually a question that the Court  
8 just asked you.

9 You knew that as part of the FDNY MSOC events  
10 participants were able to get continuing medical education  
11 credits; right?

12 A Yes.

13 Q Those are called CMEs; is that right?

14 A Yes.

15 Q Did you have any personal involvement in the personal  
16 arrangements that were required to obtain CMEs for conference  
17 participants?

18 A No.

19 Q Do you have any knowledge of what the financial  
20 disclosures might have been that were required for reporting  
21 to get those CME credits?

22 A No.

23 Q Okay.

24 Do you know whether or not there were financial  
25 disclosures required?

*C Shea - cross - Fletcher*

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1 A No.

2 Q And it's your testimony that you don't know whether  
3 Dr. Isaacs had access to information that he would then  
4 give -- or that would then be provided to acquire that CME  
5 credit; right?

6 A No.

7 Q You don't know either way.

8 A No, I don't.

9 Q There were no FDNY MSOC events held between --

10 MR. FLETCHER: Strike that.

11 Q There was an FDNY MSOC event held in spring 2019; right?

12 A Yes.

13 Q And after that, there was not another event held until  
14 spring 2022.

15 A Correct.

16 Q That was because of COVID?

17 A Correct.

18 Q You are aware that in 2018, at some point the FDNY's  
19 Bureau of Information and Trials referred some allegations to  
20 the Department of Investigations concerning Mr. Henriquez?

21 A I just recently found that out, yes.

22 Q You just recently found that out?

23 A Correct.

24 THE COURT: How did you find out?

25 THE WITNESS: Through information from the

*C Shea - cross - Fletcher*

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1 department Legal.

2 THE COURT: Any of the lawyers sitting at the table  
3 here?

4 THE WITNESS: No. It was in our briefing.

5 MR. MACKIE: I would ask the witness not to answer  
6 questions about communications with counsel.

7 THE COURT: I'm not asking about the substance of  
8 communications, just how she found out.

9 MR. MACKIE: Understood.

10 THE COURT: And from what lawyers.

11 She has answered it. You can move on.

12 MR. FLETCHER: Okay.

13 Q So it's your testimony that you only recently found out  
14 there was a Department of Investigation proceeding --  
15 investigation taken out against Mr. Henriquez?

16 A Yes.

17 Q Okay.

18 But you do recall speaking to someone from the  
19 Bureau Investigations and Trials in 2018?

20 A I really don't recall.

21 Q You don't recall?

22 A I don't recall. Sorry.

23 Q Let's turn to Exhibit Y.

24 Before we look at this, let's talk about some  
25 background.



*C Shea - cross - Fletcher*

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1 At some point in 2018, you mentioned Joe Malvasio  
2 and Hugh Lesner; right?

3 Did those individuals bring your attention to a  
4 website link on the Foundation's MSOC website that linked to  
5 an outside vendor?

6 A Yes.

7 Q Yes?

8 And that was regarding registration for a  
9 preconference event for the FDNY MSOC; is that correct?

10 Do you recall?

11 A I do recall. I don't recall the details, but, yes, I do  
12 recall a link.

13 Q Okay. You know what, let's do this.

14 Do you see the second paragraph on this page, and  
15 for the record, it's PTF-7784. It starts: Paramedic Juan  
16 Henriquez.

17 A Yes.

18 Q Could you take a minute to read that paragraph to  
19 yourself.

20 A Yes.

21 Q Okay.

22 So you see that this paragraph discusses that on or  
23 about April 9th, 2018, there was some communication about the  
24 link between Mr. Henriquez and Mr. Malvasio?

25 A Yes.

*C Shea - cross - Fletcher*

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1 Q And then do you see at the bottom of that paragraph, it's  
2 highlighted in yellow, Mr. Lesner, Mr. Malvasio and Ms. O'Shea  
3 all stated that Paramedic Henriquez was not authorized to  
4 create said link?

5 A Yes.

6 Q Did you ever tell a BIT's investigator that Mr. Henriquez  
7 was not authorized to create the link?

8 A I may have. I don't remember.

9 Q Okay.

10 But it's --

11 A If it says I did, I guess I did.

12 Q You don't recall the conversation, but it says here that  
13 you did.

14 A All right, yes.

15 Q It says here that information apparently came from you;  
16 right?

17 A Yes.

18 Q So you might have?

19 A Yes.

20 THE COURT: So the Foundation didn't want people  
21 going to the website and clicking a link to register for the  
22 FDNY-hosted MSOC conference?

23 THE WITNESS: They wanted it to come to the website  
24 that we had developed.

25 THE COURT: The Foundation meaning "we" or someone

*C Shea - cross - Fletcher*

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1 else?

2 THE WITNESS: The Foundation meaning "we."

3 THE COURT: Okay.

4 This is on the FDNY Foundation web page, so this is  
5 the Foundation web page?

6 THE WITNESS: Yes.

7 THE COURT: And the link would direct people to the  
8 conference registration?

9 THE WITNESS: Yes.

10 THE COURT: And what was the issue then if this was  
11 on your website and they were linked to be able to enroll at  
12 the conference as you wanted?

13 What was the problem with that?

14 THE WITNESS: I think that it was a link that was  
15 created by someone else on another server.

16 Q Okay.

17 MR. FLETCHER: Okay, Your Honor I may be able to  
18 help with this, if I could continue?

19 THE COURT: All right.

20 Q Do you recall whether there was a link placed on the  
21 Foundation's MSOC website that took people that clicked on  
22 that link to the website a company called Disaster Medical  
23 Solutions?

24 A I remember that issue being brought up, yes.

25 Q Okay.

*C Shea - cross - Fletcher*

400

1 And you recall -- sorry? Was there anything else?

2 A (No verbal response.)

3 Q And you recalled, perhaps, Disaster Medical Solutions was  
4 the company that provided the preconference medical specialist  
5 course that year at the FDNY MSOC event?

6 A I am not aware of that, no.

7 Q Okay.

8 You know there's a podcast on the Foundation's  
9 website that features Mr. Henriquez and Dr. Isaacs talking  
10 about the 2018 conference --

11 A Yes.

12 Q -- is that correct?

13 Do you know whether that podcast talks at length  
14 about the medical specialist course that was going to be  
15 offered as a preconference event to the 2018 conference?

16 A I don't really recall. I vaguely remember the podcast,  
17 but I don't know the details.

18 Q Okay.

19 Anyway, turning back to the document, it appears  
20 that you told the BIT's investigator that Mr. Henriquez was  
21 not authorized to create that link; right?

22 A Yes.

23 Q Okay.

24 And that would have been -- you would have made that  
25 communication to the BIT's investigator sometime during the

*C Shea - cross - Fletcher*

401

1 spring of 2018; is that fair to say?

2 A Yes.

3 Q If you go to the next page, the middle paragraph with all  
4 of the highlighting, could you read that paragraph to  
5 yourself, please.

6 A Yes, I read it.

7 Q Do you see the highlighted portion about the -- there was  
8 a discrepancy between the number of attendees that were  
9 registered in the Foundation's records and the number of  
10 attendees that were actually going to come?

11 A Yes.

12 Q And there was a concern that Mr. Henriquez was, quote:  
13 Surreptitiously adding names to the list without foundation  
14 approval?

15 A Yeah, that's what it says.

16 Q Okay.

17 And did you understand that -- and the top of this  
18 paragraph says: Mr. Lesner, Mr. Malvasio, and Jean O'Shea  
19 subsequently discovered these things.

20 Did you -- do you recall having communications with  
21 the BIT's investigator about this?

22 A I recall vaguely. I don't remember our conversation.

23 Q Do you have any reason to doubt that you told the BIT's  
24 investigator --

25 A No.

*C Shea - cross - Fletcher*

402

1 Q -- what's written here?

2 A No.

3 Q Okay.

4 If you can turn back one exhibit to Exhibit X --  
5 actually, stop.

6 So, again, these conversations all happened during  
7 the spring of -- about during the spring of 2018; is that fair  
8 to say?

9 A Yes.

10 THE COURT: Now, may I ask, did you have personal  
11 knowledge about what you told the BIT's investigator about  
12 these discrepancies?

13 THE WITNESS: Yeah, we would know the list of  
14 attendees. We kept all of those documents, so I would have  
15 known if one document had X number of names and there was  
16 another one that had additional names.

17 THE COURT: So there was a discrepancy between the  
18 number of people who attended and the number of people who  
19 actually paid to attend; is that right?

20 THE WITNESS: That's what it sounds like, but we  
21 always had, you know, guests come to the conference.

22 THE COURT: There are guests; meaning, people who  
23 attended that did not pay?

24 THE WITNESS: Correct, yes.

25 THE COURT: So would their names still be on the

*C Shea - cross - Fletcher*

403

1 attendee list?

2 THE WITNESS: Yes.

3 THE COURT: Would that be an explanation as to why  
4 the number of attendees or the list of attendees would exceed  
5 the number of actual paid attendees?

6 THE WITNESS: I don't -- I don't know. I'm  
7 confused. I don't know.

8 THE COURT: Well, if you have a list of people --

9 THE WITNESS: We would know who the guests were,  
10 yes.

11 THE COURT: Do you know how many people, roughly,  
12 you would allow to be in attendance without paying?

13 THE WITNESS: I don't know. Fifty.

14 THE COURT: Fifty?

15 THE WITNESS: Fifty, 75.

16 THE COURT: Ms. O'Shea, so that would have been a  
17 comp list.

18 A Correct.

19 Q Were you always in possession of that comp list  
20 personally?

21 A Yeah. We would have had the list on the Foundation. We,  
22 for security reasons, we supposedly had the list of everybody  
23 who was attending.

24 Q That would be like, when the conference was actually  
25 happening; right?

*C Shea - cross - Fletcher*

404

1 A Correct.

2 Q But this was -- these communications happened a month or  
3 two prior --

4 A I wouldn't have that information.

5 Q Okay.

6 Let's turn to Exhibit X?

7 THE COURT: X?

8 MR. FLETCHER: X like "xylophone."

9 THE COURT: Thank you.

10 Q You will see there are four pages to this exhibit. The  
11 first page doesn't involve yourself, but if you turn to the  
12 second page, page 2 of 4.

13 A Mm-hmm.

14 Q Do you see the first full email at the top is from  
15 Dr. Isaacs to yourself and Susan Wipper?

16 A Yes.

17 Q And then below that is an email preceding it from you to  
18 Susan Wipper and Dr. Isaacs?

19 A Yes.

20 Q I believe it reads in reverse order, so these are dated  
21 January 16, 2018.

22 Do you see that?

23 A Yes.

24 Q And the one at the bottom is time stamped 13:07 and the  
25 one above it is time stamped 13:33.



*C Shea - cross - Fletcher*

405

1 A Mm-hmm.

2 Q Could you take a minute to read these emails, please.

3 Do you see in the bottom email from yourself to  
4 Susan Wipper and Dr. Isaacs, you say: I don't understand, how  
5 can someone sign up for US&R specialist course for \$2600 and  
6 go to MSOC free? How many do you expect through this?

7 A Yes.

8 Q Okay.

9 And then you see that Dr. Isaacs responds to you  
10 that: The cost of the conference is built into the price of  
11 the course and will be forwarded to the foundation and the  
12 expected class size is 30?

13 A Yes.

14 Q You see this is January 2018?

15 A Yes.

16 Q Okay.

17 So this and -- do you see the subject line is: Re:  
18 Website?

19 A Yes.

20 Q And in your email, you actually have, it looks like, an  
21 edited excerpt of where it says: Course fee \$2600 includes...

22 Do you see all that text?

23 A I do.

24 Q Is that something that you cut and pasted from somewhere  
25 else?

*C. Shea - recross - Mackie*

406

1 A I don't recall.

2 Q Okay.

3 But you see that you had this communication with  
4 Dr. Isaacs in January; right?

5 A Yes.

6 Q Okay.

7 And that was several months before you gave your  
8 interview with the Bureau of Investigation and Trials that we  
9 looked at that was referenced just before; right?

10 A Yes.

11 Q Okay.

12 MR. FLETCHER: No further questions.

13 THE COURT: All right.

14 Any redirect?

15 MR. MACKIE: A few quick questions on redirect.

16 THE COURT: Okay. Thank you.

17 REDIRECT EXAMINATION

18 BY MR. MACKIE:

19 Q Good morning, Ms. O'Shea.

20 A Good morning.

21 Q I'm just going to ask you a few quick questions about the  
22 testimony you just gave.

23 You were asked a number of times near the beginning  
24 of your testimony about approvals -- the approval process and  
25 what kinds of things need to be approved through the

*C. Shea - recross - Mackie*

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1 Foundation. So if, for example, you looked at a document that  
2 was a flyer, if you had -- sorry. Let me just go back to that  
3 document.

4 So we're on Exhibit D at page 5 of 55. It says  
5 here: Attached is a draft MSOC flyer for your review.

6 Do you recall reviewing this flyer?

7 A Yes.

8 Q And is this typical of the kinds of things that need  
9 approval through the department and the Foundation before it  
10 goes out to the public?

11 A Yes.

12 Q Okay.

13 And the -- later in the email it refers to seeking  
14 approval from a number of different people.

15 Is that your understanding of the standard approval  
16 process?

17 A Yes.

18 Q Okay.

19 If there was any money being spent on the  
20 conference, would that have to be approved?

21 A Yes.

22 Q Okay.

23 What kinds of things did Dr. Isaacs have leeway to  
24 do on his own without approval from the Foundation?

25 A Nothing involving payments. Nothing involving comp

*C. Shea - recross - Mackie*

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1 guests.

2 Q So if he wanted a comped guest for MSOC, he would have to  
3 seek a foundation approval for that?

4 A Or, you know, his -- or, you know, the leadership of the  
5 department.

6 Q Okay.

7 And if -- if he -- if he knew that someone else was  
8 claiming ownership in any portion of the conference, would he  
9 have to seek approval for that?

10 A He would have to notify us, yes.

11 Q Okay.

12 Back on this document, you will see Juan Henriquez  
13 is cc'd on this and the email address used is Juan  
14 Henriquez -- Mr. Henriquez is cc'd on this and the email  
15 address that he uses is Juan.Henriquez@FDNY.NYC.gov.

16 Do you understand that to be Mr. Henriquez's  
17 official fire department email address?

18 A Yes.

19 Q And so did you understand that this communication was  
20 done in his official capacity as an employee of the fire  
21 department?

22 A Yes.

23 THE COURT: This was not a communication from  
24 Mr. Henriquez. You said the communication was not done by  
25 Mr. Henriquez in any capacity. He was cc'd on it.

*C Shea - recross - Mackie*

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1           Is that what you wanted to ask her; whether he was  
2 being copied on it?

3           MR. MACKIE: If he is being copied and if the work  
4 that he has referenced in this email was done in his official  
5 capacity as an employee.

6           THE WITNESS: Yes.

7           THE COURT: Do you know whether he was paid for all  
8 the time he spent on this conference?

9           THE WITNESS: I wouldn't know. As I say, we have so  
10 many events. Members volunteer their time, you know, all the  
11 time, but, you know, he was doing it as a fire department  
12 employee, was my understanding, yes.

13          THE COURT: Do you know whether he volunteered any  
14 of his time?

15          THE WITNESS: I don't. I am, I'm told he has and  
16 I'm sure he has, yeah.

17          THE COURT: Okay. Thank you.

18 Q       I'm also -- you were also asked about Exhibit S, which I  
19 have on the screen now. You all have it in front of you.  
20 It's cumbersome right now.

21               But so, do you see the date at the top of the email  
22 on Exhibit S that you were asked about earlier?

23 A       Yeah. June 2014.

24 Q       June of 2014.

25               So would that have been after the 2014 MSOC?

*C. Shea - recross - Mackie*

410

1 A Yes.

2 Q Okay.

3 So this was after the second year of MSOC; correct?

4 A Correct, yes.

5 Q And --

6 THE COURT: It's after the second year or after the  
7 first conference? It's after the first and second conference?

8 THE WITNESS: We had one in '13 and '14.

9 THE COURT: Thank you.

10 THE WITNESS: And the '14 one was in May.

11 THE COURT: May? Thank you.

12 Q And what do you understand this email to be, given the  
13 context of the date?

14 A Well, just basically everything we do, we review, you  
15 know, do pros and cons of it. Again, the reason we did this  
16 was to really help EMS, to do more for and with EMS. We just  
17 weren't doing enough and this was an opportunity, again, to  
18 have a great conference so they could learn best practices,  
19 share best practices, and then it would go right into EMS  
20 week. It was just an opportunity to kind of raise the bar and  
21 highlight our EMS.

22 THE COURT: Did your foundation approve annually the  
23 FDNY MSOC conferences, or was it just -- was it your  
24 understanding that they had ongoing approval to do it without  
25 getting foundation approval?

*C. Shea - recross - Mackie*

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1 THE WITNESS: It was my understanding that it was  
2 good for the department, it was good for EMS, and we would  
3 continue it. Of course --

4 THE COURT: But did you formally approve it each  
5 year that it was held?

6 THE WITNESS: Well, no, I didn't, but whoever was  
7 working on it would have to get commissioner/chief approval.

8 THE COURT: Each year?

9 THE WITNESS: Yes.

10 THE COURT: And the Foundation as well?

11 THE WITNESS: And then they would tell me, you know,  
12 that the departments -- you know, can we do it again.

13 THE COURT: And then would the Foundation formally  
14 approve it at that point?

15 THE WITNESS: Yeah.

16 THE COURT: So each year?

17 THE WITNESS: Yes.

18 THE COURT: Thank you.

19 Q When you refer to revenue generated and the fact that the  
20 Foundation does not generate enough funds from this  
21 conference, what was your concern there?

22 A You know, that we weren't getting enough responses or  
23 underwriters, primarily. That, you know, we needed to do  
24 more. And there was a lot of cost involved as far as our  
25 staffing and stuff like that and we needed more volunteers to

*C. Shea - recross - Mackie*

412

1 help out with that.

2 Q The next sentence says: Nearly all the funds raised  
3 through MSOC were extended for MSOC and EMS week.

4 Was it your understanding that the Foundation had a  
5 goal to appropriate funds for other activities aside from MSOC  
6 and EMS week?

7 A Yeah, you know, needs for EMS, yes.

8 Q So your understanding was that the conference was  
9 supposed to raise money for the Foundation to support EMS at  
10 the fire department generally; is that accurate?

11 A Yes.

12 Q Just going to Exhibit X --

13 THE COURT: When you say support for EMS, was that  
14 in the way of equipment --

15 THE WITNESS: Awards, ceremony, equipment,  
16 training --

17 THE COURT: So training could include allowing EMS  
18 personnel to go to conferences to be trained?

19 THE WITNESS: Yes.

20 THE COURT: Thank you.

21 Q And I'm just on Exhibit X, as in "xylophone," page 204,  
22 and this is the email you were just looking at.

23 You expressed your concerns here about the funding  
24 not being enough to go to MSOC and the response from Doug  
25 Isaacs says here: The cost of the conference is built into



*C. Shea - recross - Mackie*

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1 the price of the course, it will be forwarded to the  
2 foundation.

3 Do you recall if that money was ever forwarded to  
4 the Foundation?

5 A I don't recall. So it would have been forwarded to the  
6 Foundation from --

7 Q That was my next question. Do you recall who --

8 A I don't know.

9 Q -- might have forwarded the --

10 THE COURT: Wait. We had interruptions there. I  
11 didn't get any of that. She was speaking.

12 What were you saying, ma'am?

13 THE WITNESS: I don't recall if we got those funds,  
14 but certainly we would have accounted for them.

15 Q So you don't recall who would have sent those funds?

16 A No.

17 Q And you don't recall when they would have arrived, if  
18 ever?

19 A No.

20 THE COURT: When the funds were being sent, if they  
21 were to be sent for the preconference, would it be sent to the  
22 Foundation at a specific official foundation address, or would  
23 it be sent to someone like Dr. Isaacs at his home address?

24 THE WITNESS: No. It would be sent to the FDNY  
25 Foundation.

*Proceedings*

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1 THE COURT: There is an address for that?

2 THE WITNESS: Yes.

3 THE COURT: Thank you.

4 MR. MACKIE: I have no further questions for her,  
5 Your Honor.

6 THE COURT: Do you have any other questions for this  
7 witness?

8 MR. FLETCHER: No, Your Honor.

9 THE COURT: All right, ma'am, thank you.

10 THE WITNESS: Thank you very much.

11 THE COURT: Have a nice day. Nice to see you.

12 THE WITNESS: You as well.

13 THE COURT: Have a good day. Thank you for your  
14 work.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 MR. FLETCHER: We call Moira Archer.

18 THE COURT: All right.

19 (Witness takes the stand.)

20 THE COURTROOM DEPUTY: Please raise your right hand.

21 (Witness sworn.)

22 THE WITNESS: I do.

23 THE COURTROOM DEPUTY: Please have a seat and state  
24 and spell your full name, please.

25 THE WITNESS: Sure. My name is Moira, M-O-I-R-A,

*Archer - cross - Fletcher*

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1 last name Archer, A-R-C-H-E-R.

2 THE COURT: Thank you.

3 You know, your book is on the ELM0, sir? Do you  
4 want to leave it there?

5 MR. FLETCHER: Doesn't matter.

6 **MOIRA ARCHER,**

7 called as a witness, having been first duly  
8 sworn/affirmed, was examined and testified as  
9 follows:

10 CROSS-EXAMINATION

11 BY MR. FLETCHER:

12 Q Good morning, Ms. Archer.

13 A Good morning, Mr. Fletcher.

14 Q I just have a couple questions for you.

15 There was a number of communications back and forth  
16 between yourself and Mr. Henriquez during the first period of  
17 2019; right?

18 A Correct.

19 Q And I don't know that we need to go through them, but  
20 they've been attached as exhibits here.

21 You're aware of that?

22 A Yes.

23 Q And at some point, I think in an email or a letter to  
24 you, Mr. Henriquez told you that the acronym MSOC was owned by  
25 the Medical Special Operations Community organization and that

*Archer - cross - Fletcher*

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1 he had been given permission to use that; is that correct?

2 A Yes. That was in November of 2019 -- I'm sorry, January  
3 of 2019.

4 Q I'm not trying to make a memory test here, so we can look  
5 at docs.

6 A Sure.

7 Q I also believe it was January, but I need you to say it,  
8 obviously.

9 So is your recollection that it was January 2019 --

10 A Yes.

11 Q -- that he made that claim?

12 A Yes.

13 Q Okay.

14 But you know that the --

15 MR. FLETCHER: Strike that.

16 Q You understood that to mean an entity that was a -- like  
17 a formal nonprofit organization, Medical Special Operations  
18 Community, Inc.?

19 A I understood it to be an entity.

20 Q When you say "an entity," like a formal entity that is  
21 incorporated?

22 A A formal entity. He used it in that context.

23 Q You're aware that there's an entity called Medical  
24 Special Operations Community, Inc.; right?

25 A I am aware, yes.

*Archer - cross - Fletcher*

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1 Q Okay.

2 And you know that it was incorporated in March 2019;  
3 right?

4 A Yes. I believe I came to know that.

5 Q Okay.

6 So that was two months after Mr. Henriquez said that  
7 an entity owned the trademark; right?

8 A Correct.

9 Q Okay.

10 So you know, as a lawyer, that an entity that  
11 doesn't exist can't own a trademark; right?

12 A I don't know that specifically, but I would assume.

13 Q You are an intellectual property lawyer --

14 A I'm not an intellectual property lawyer. I work on  
15 licensing issues. It's one of the things that I do. I work  
16 on the licenses that the -- you know, that the -- excuse me --  
17 that the fire department, when we have requests to use the  
18 FDNY trademark, I will work on putting together an agreement  
19 that will provide permission for that.

20 I also am involved in some enforcement actions when  
21 an employee, for instance, is selling a mug on eBay or an  
22 Instagram with the FDNY trademarks on it. I may reach out to  
23 that employee and explain to them that they're not permitted  
24 to do so and have that employee refrain from that conduct.

25 Q Okay.

*Archer - cross - Fletcher*

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1           So as part of your job, you do trademark licensing  
2 and enforcement for the FDNY?

3     A     That's part of what I do.

4     Q     Yes.

5     A     And some aspects of it. Not all. We work closely with  
6 the City's law department.

7     Q     As your lawyer --

8           MR. FLETCHER: Strike that.

9     Q     As a lawyer, you are familiar with the concept that if an  
10 entity doesn't exist, that entity can't own property; right?

11    A     Yes.

12    Q     So when you came to learn that the entity Medical Special  
13 Operations Community organization was formed two months after  
14 Mr. Henriquez made that claim to you, you understood that  
15 Mr. Henriquez's claim in January 2019 was probably legally  
16 incorrect; right?

17    A     I don't -- I don't understand the question. I thought  
18 he -- I thought he was being inconsistent.

19    Q     There was an inconsistency --

20    A     Yes.

21    Q     -- between him saying that an organization that didn't  
22 exist until March 2019 owned property in January 2019; right?

23    A     It was inconsistent.

24    Q     Yes. Thank you.

25           And, in fact, I think there was a letter sent -- you

*Archer - cross - Fletcher*

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1 work for Carol Moran; right?

2 A She's retired now, but yes.

3 Q At the time you did in 2019?

4 A At the time I did in 2019, yes.

5 Q If you turn to Plaintiff's Exhibit 9.

6 MR. FLETCHER: Strike that. Please don't turn to  
7 Plaintiff's Exhibit 9.

8 Q In paragraph 9 of your declaration, you refer to that  
9 January letter from -- I don't think it's up there.

10 A Yeah, I don't have it in front of me.

11 THE COURT: Do you want me to give her -- I have a  
12 copy of it.

13 THE COURTROOM DEPUTY: He can use the ELMO.

14 THE COURT: You can use the ELMO also, the way your  
15 colleague did.

16 MR. FLETCHER: Okay.

17 Q That is paragraph 9 of your declaration.

18 A Okay.

19 I'm sorry, what are you referring to; the  
20 highlighted portion?

21 Q Yes, ma'am.

22 A Yes.

23 Q You see the --

24 THE COURT: Slow down. Give her a chance and stop  
25 talking to so quickly, please. We need to make a good record

*Archer - cross - Fletcher*

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1 here.

2 A I'm ready.

3 Q You see that you testified that -- that you did not  
4 believe that Mr. Henriquez was correct when he said the  
5 organization owned the trademark.

6 A Correct.

7 Q Okay.

8 I also think you state elsewhere in this declaration  
9 that you did not understand Mr. Henriquez to be savvy about  
10 trademark and copyright law.

11 A I don't know if I used the word "savvy."

12 Do you want to flip to that paragraph so I can read  
13 it?

14 Q Do you see where my finger is?

15 A Yes.

16 THE COURT: I'm sorry, what paragraph?

17 MR. FLETCHER: This is the second half of  
18 paragraph 15.

19 THE COURT: Okay.

20 Q Do you see it became clear that Henriquez did not  
21 understand the basic differences between trademark and  
22 copyrights?

23 A Yes.

24 Q That was your impression at the time?

25 A Yes.



*Archer - cross - Fletcher*

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1 THE COURT: Can you explain that statement, ma'am?

2 THE WITNESS: I can't see my whole --

3 THE COURT: Okay.

4 Let her see the whole thing.

5 THE WITNESS: It's kind of hard because it is split  
6 on two pages.

7 THE COURT: Right. I know.

8 Can you give her a copy of her declaration, please.

9 Thank you.

10 THE WITNESS: Thank you.

11 A So if you look at the first bullet point underneath  
12 paragraph 15, Mr. Henriquez is speaking to artwork promotional  
13 materials, and the -- first he starts with MSOC acronym and  
14 related artwork and other promotional materials, so -- he goes  
15 on to say they're original works and that he has a trademark  
16 for that, but the MSOC acronym, that's a separate issue.  
17 That's -- I'm sorry. Let me back up.

18 So he talks about that, and then he seems to be  
19 conflating the ideas of trademark and copyright.

20 He goes on in the next bullet points to talk about  
21 copyright for these materials and that he created them.

22 THE COURT: So what is it where -- can you explain  
23 where you believe he is confused? Was it in the first bullet  
24 point that you think he's confusing and conflating trademark  
25 and copyright?

*Archer - cross - Fletcher*

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1 THE WITNESS: Yes. When he talks about -- when he  
2 talks about original artworks, and then he has trademarks for  
3 original art works, that appears to be -- he's not  
4 understanding. He's mixing copyrights and trademarks.

5 He's talking about original works, which is a  
6 copyright concept, but he's intertwining that with saying he's  
7 asserting his right that he has a trademark in that. So, to  
8 me, that demonstrated that he doesn't have a clear  
9 understanding.

10 Q Right. So it's fair to say that you did not -- as a  
11 lawyer, your impression was that Mr. Henriquez was not  
12 particularly savvy about the differences in the meanings and  
13 what it took to own a trademark or a copyright; is that fair  
14 to say?

15 A Yes.

16 Q Okay.

17 And just finishing up that paragraph, you say  
18 continuing to dialogue directly with him was pointless.

19 A I don't know if I used those words. Oh, yes, I did, I'm  
20 sorry. Yes.

21 Q Okay.

22 Yes, you used those words; right?

23 A Yes.

24 Q So you've worked on this since 2019; right? Or you  
25 started familiarizing yourself with these events in 2019?

*Archer - cross - Fletcher*

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1 A Yes.

2 Q And have you continued to be involved --

3 A Yes.

4 Q -- since 2019?

5 A I have.

6 Q Okay.

7 A I feel like I need to correct something about my  
8 involvement, though.

9 Q Sure.

10 A I was never at -- this came up yesterday, that I was at a  
11 meeting with the EEO office and Mr. Henriquez, and that never  
12 happened.

13 THE COURT: You were not at a meeting.

14 THE WITNESS: I was never at a meeting with EEO  
15 office. That would have been way-beyond permissible for me to  
16 sit it on -- that's a separate whole process, which is  
17 confidential.

18 I did refer it to EEO office when we had a meeting  
19 and he brought up the word "retaliation" and that same day I  
20 referred it to the EEO office and they conducted whatever  
21 their process is, but I never sat in on any of those  
22 discussions or meetings. I don't even know who the  
23 investigator -- from appearance, I wouldn't know if she walked  
24 into the room.

25 Q Okay.

*Proceedings*

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1 Is that it?

2 A Yes.

3 Q Okay. Thank you.

4 So in all the time you've worked on this, have you  
5 ever seen a piece of paper or any written document that states  
6 that Mr. Henriquez was officially assigned to work on the FDNY  
7 MSOC events as part of his employment?

8 A No. That wouldn't have been my involvement.

9 Q Okay.

10 But you haven't seen such a document?

11 A I haven't seen it.

12 MR. FLETCHER: No further questions.

13 THE COURT: Any redirect?

14 MR. MACKIE: No, Your Honor.

15 THE COURT: All right, ma'am, thank you. You can  
16 step back to counsel table.

17 (Witness excused.)

18 MR. FLETCHER: Your Honor, I'm going to call  
19 Dr. Isaacs next and I expect that's going to take a while.

20 Could we take a quick break and then we'll go into  
21 Dr. Isaacs?

22 THE COURT: Is he coming in?

23 MR. MACKIE: He is here, yes.

24 THE COURT: Why is it going to take a while?

25 MR. FLETCHER: I mean, the actual cross-examination

*Proceedings*

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1 might take a while.

2 THE COURT: Oh, okay.

3 So you want to take a break.

4 MR. FLETCHER: Yeah, can we take a break before we  
5 start that?

6 THE COURT: Sure. Is ten minutes enough for  
7 everybody?

8 We'll take ten. Come back at ten of the hour,  
9 please.

10 They're taking a ten-minute break, sir.

11 (A recess in the proceedings was taken.)

12 THE COURT: Have a seat, please. Let's get the  
13 witness.

14 Good morning, sir. Step up here.

15 (Witness takes the stand.)

16 THE COURTROOM DEPUTY: Please, raise your right  
17 hand.

18 (Witness sworn.)

19 THE WITNESS: I do.

20 THE COURTROOM DEPUTY: Please have a seat. State  
21 and spell your full name for the record.

22 THE WITNESS: Sure.

23 My name is Douglas Aaron, A-A-R-O-N, last name  
24 Isaacs, I-S-A-A-C-S.

25 (Continued on the following page.)

*Isaacs - cross - Fletcher*

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1 **DOUGLAS AARON ISAACS,**

2 called as a witness, having been first duly  
3 sworn/affirmed, was examined and testified as  
4 follows:

5 CROSS-EXAMINATION

6 BY MR. FLETCHER:

7 THE COURT: You may proceed.

8 Q Dr. Isaacs, my name is Jordan Fletcher, I represent Juan  
9 Henriquez in this case.

10 Good morning.

11 A Good morning.

12 Q Dr. Isaacs, you stated in your testimony that you were  
13 the primary planner and organizer of the MSOC events that  
14 occurred at the FDNY; correct?

15 A I was one of the major planners as part of FDNY, but,  
16 yes, I was, I guess you consider the main planner for it,  
17 correct.

18 Q And that event occurred every year at the FDNY from 2013  
19 to 2019; is that right?

20 A Correct.

21 Q When you say you are one of the major planners, that  
22 means there are other people?

23 A Well, within FDNY. One component of FDNY, but we had  
24 people from the Bureau of Training, Rescue School, but, you  
25 know, I was organizer, I planned meetings with them, work on

*Isaacs - cross - Fletcher*

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1 CME in terms of one of the academic institutions, worked on  
2 logistics. So, I guess, I am organizer, but I'm one person as  
3 part of a team at FDNY.

4 Q So were you sort of the central person at FDNY and then  
5 you would coordinate with other people where necessary?

6 A Yes, that would be accurate.

7 Q And as part of your role as the central person at FDNY  
8 organizing this event --

9 A Actually, it's not my job description, but as the medical  
10 director for Medical Special Operations for the Fire  
11 Department, I did play that major role. It's not part of my  
12 job description.

13 Q But you understood yourself to be representing the FDNY  
14 when you did this; right?

15 A Correct.

16 Q And you had been -- that understanding was confirmed by  
17 your leadership?

18 A I'm sorry, I'm not sure what the question was.

19 THE COURT: Your understanding as representative of  
20 the FDNY and the actions you took to organize or plan the MSOC  
21 FDNY conferences, that was done with knowledge and approval of  
22 leadership?

23 THE WITNESS: Understood, thank you, Judge.

24 A Correct, as FDNY representative, absolutely.

25 Q Thank you.

*Isaacs - cross - Fletcher*

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1           In your capacity doing this for a number of years,  
2   you communicated with vendors and sponsors; is that fair to  
3   say?

4   A     I'm not sure sponsors, but companies distributing the  
5   flyers. But in terms of the financials and stuff, no, but  
6   pushing out flyers -- just asking to help advertise, you know,  
7   with the flyers because there are conference professional --  
8   you know, certain EMS conferences, and just, you know, if they  
9   could, you know, show the flyer and so on. I did not deal  
10  with any financials with them.

11           THE COURT: Show the flyer of whom?

12           THE WITNESS: Oh, I'm sorry. Of the conference.

13           THE COURT: Okay.

14           THE WITNESS: It was help distribute flyers and so  
15  on it, but it was the FDNY Foundation that deal with any of  
16  the finances.

17   Q     I'm not asking if you controlled the finances.

18   A     I was just trying to clarify. Sorry.

19   Q     Thanks.

20           My question to you is: There were vendors that came  
21  to the MSOC events at the FDNY; right? City vendors.

22   A     Yes, that is correct.

23   Q     DMS was one of those vendors; is that fair to say?

24   A     They did not pay. I mean, they came and -- and they --  
25  Joe Hernandez and Juan Henriquez had asked could they have a



*Isaacs - cross - Fletcher*

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1 table and it was really the day of the event, if we had space,  
2 they could have a spot.

3 Q Okay.

4 But there were -- DMS wasn't the only one; right?

5 There were other industry private companies who provide  
6 services or tools or equipment to the -- in the \*\*\*urban  
7 search and rescue and medical service industry; right?

8 A Yeah, emergency medical service industry, correct.

9 Q Things like laryngoscopy equipment?

10 A Fair enough, yeah.

11 Q Mannequins that are used for trainings?

12 A Correct.

13 Q Things like that.

14 And you had direct communications with those  
15 vendors; right?

16 A When it came to logistics support, those who were  
17 attending the conference, yes.

18 Q Okay.

19 And you would maybe have communications asking them  
20 to come to the conference; right?

21 A Well, it's on the flyer, but yes, as part of, I guess,  
22 advertising or pushing out, hey, we're doing this conference,  
23 correct, I would forward them the flyer.

24 Q I'm sorry, sir, is it your testimony today that your sole  
25 job description for this conference was to distributes flyers?

*Isaacs - cross - Fletcher*

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1 A No.

2 Q Okay.

3 So let's talk about some of the other things.

4 A Okay, please.

5 Q Some of those vendors contributed money to the  
6 conference; right?

7 A Through the Foundation.

8 Q Right. That's fine. Through the Foundation.

9 They gave money to the foundation for their booth in  
10 a conference hall?

11 A Yes. That is correct.

12 Q Like, there was a vendor hall.

13 A Yeah, correct.

14 Q So the conference, there would be speakers and meetings  
15 and then you could go to like, a vendor hall and there would  
16 be people with booths set up?

17 A Yeah, it was a vendor --

18 THE COURT: This is something I would like to ask  
19 both the lawyer and the witness to do: Wait until he finishes  
20 his question and you wait until he finishes his answer and  
21 please, slow down both of you.

22 THE WITNESS: Sorry, Judge, I apologize.

23 THE COURT: I want to make a record and it is hard  
24 for the court reporter and for me to understand.

25 Q So as part of the conference, there was a vendor hall;

*Isaacs - cross - Fletcher*

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1 right?

2 A Correct.

3 Q And so conference participants might attend a lecture and  
4 then go check out what the vendors were --

5 A Correct.

6 Q -- were hawking, what their wares were; fair to say?

7 A Yes.

8 Q Not great English, but you understand what I'm saying;  
9 right?

10 A Yes, sir.

11 Q Okay.

12 And did you also solicit sponsors or people who  
13 could contribute financially to the event?

14 A To the event? Not -- I'm sorry, outside of companies?  
15 When you say solicit --

16 Q Anyone who might be able to support the event  
17 financially.

18 A I've had a personal friend who, on their own volition,  
19 donated one year some money, but outside of -- I don't know of  
20 anyone privately that gave money towards the event.

21 Q When it comes to MSOC events, you don't have any  
22 understanding of the word "sponsors"?

23 A I attribute sponsors as either companies who want to have  
24 a spot in the hall -- exhibit hall, or maybe there's private  
25 industry or, you know -- sorry, private individuals that would

*Isaacs - cross - Fletcher*

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1 want to give money, that would be a sponsor, so that's how I  
2 attribute sponsors.

3 Is there any other sponsors?

4 Q I don't know, you ran the conference, sir, so I'm asking  
5 you.

6 A I'm asking about the definition of sponsor. I want to be  
7 able to answer your question.

8 Q Okay.

9 I'm happy to go with your definition for now.

10 THE COURT: Well, were there other sources of money  
11 or equipment donated outside the FDNY toward the conferences?

12 THE WITNESS: Well, the companies that were  
13 attending there would give some soft supplies; meaning, like,  
14 IVs, gauze, tourniquets and so on. So these were companies,  
15 only companies that were attending at the exhibit hall. So  
16 when we do the hands-on skill stations, you know, we had  
17 enough supplies.

18 THE COURT: Thank you.

19 Q For another example in that vein, Joe Hernandez as part  
20 of DMS would drive up a trailer of equipment every year to be  
21 used in the preconference and then also in the conference  
22 events; right?

23 A That is incorrect, sir.

24 Q He did not drive up a trailer of equipment?

25 A The only time that I'm aware of was the 2018 when, as

*Isaacs - cross - Fletcher*

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1 part of the preconference, we did the Federal Medical Team  
2 Specialist course and he was the -- he was -- it was  
3 something -- I can expand on that, but that was the only year  
4 that I recall him driving up with a trailer because it was a  
5 course that he was running.

6 Q Okay. We'll talk about that course. We'll get to it.

7 A Okay.

8 Q We're sort of still in the beginning, but thank you for  
9 that.

10 And you had direct communications with FDNY  
11 leadership about everything you were doing; right?

12 A I -- since I'm not the final approval, anything I put  
13 together, I would always forward that to the appropriate  
14 leadership to give final approval, so that is correct.

15 Q So that might be Chief Abdo Nahmod, for example?

16 A Abdo Nahmod, yes.

17 Q Any other chiefs you were seeking approval from?

18 A Well, the division -- will, it depends. There's a lot of  
19 issues. Chief of the Department -- you know, officially to go  
20 ahead and have a conference, it will be signed off by the  
21 Chief of the Department, the final approval. So it would go  
22 to just -- there's different parts of the conference I would  
23 have to get approval.

24 So just to do the conference, the idea would be  
25 forward every year to the chief of EMS. So my chain of

*Isaacs - cross - Fletcher*

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1 command, Dr. Asaeda, who is the chief medical director of  
2 office of medical affairs, which is my unit, and then we get  
3 final approval from the Chief of the Department and that's  
4 just approval to do the conference, but there's a lot of  
5 different components like, when it came to personnel, since I  
6 don't make personnel decisions. So people are going to be  
7 detailed, what have you -- like, I would -- it varies, but I  
8 would always go through EMS operations, so whether it was a  
9 division chief who is responsible for a certain EMS division  
10 or EMS operations.

11 Q Was Chief -- is it Ahee or Ahee?

12 A Roger Ahee.

13 Q Is he someone who you sought permission from or approvals  
14 from time to time?

15 A At some point, because the personnel changed over the  
16 years as you can imagine, with promotions and retirements and  
17 what have you, he was a chief at some point. I forgot how  
18 long ago and what years of EMS training academy, but I did not  
19 interact with him too much at all, not that I really recall  
20 ever really interacting with him at all about the conference  
21 now that I'm thinking about it.

22 THE COURT: You can remove your mask, if you want.  
23 Are you comfortable?

24 (Pause in the proceedings.)

25 THE COURT: We are trying to keep everyone safe.

*Isaacs - cross - Fletcher*

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1 A So Chief Roger Ahee, I don't recall any specific  
2 interactions with him regarding the conference.

3 Q But it's fair to say that there were a number of  
4 individuals who were chiefs or people above you in the FDNY  
5 command structure that you had to seek approval from for  
6 various components of this conference.

7 A Correct.

8 Q Okay.

9 But those individuals weren't involved in the  
10 day-to-day of producing the conference the way you were;  
11 right?

12 A Well, there's -- there's different phases of it. The  
13 actual planning and so on, like, for example, this Friday.  
14 Friday I'm having a meeting with EMS academy, kind of talk  
15 about different components of the conference, so there's  
16 different plannings.

17 However, the day that we have the conference, we  
18 have a whole team from EMS operations and the fire and rescue  
19 school that, you know, run really, the operations of it.

20 Q Okay.

21 So let's -- we'll talk about the actual event later,  
22 but I want to talk about the planning of the conference for a  
23 number of years; right?

24 So when you were planning this conference --

25 THE COURT: Which one?

*Isaacs - cross - Fletcher*

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1 MR. FLETCHER: All of them, 2013 to 2019.

2 THE COURT: Okay.

3 Q -- you acted independently at times, right? There were  
4 communications that you had with people that Chief Nahmod or  
5 Jean O'Shea at the foundation were not privy to; right?

6 A Only in the planning stages, involving the material,  
7 correct.

8 Q Developing materials.

9 A Correct.

10 Q Were you also involved in trying to find speakers for the  
11 conference?

12 A Correct. And the reason we normally -- in order to --  
13 for us to learn, just as much for others, I thought it was  
14 important to have outside speakers, so people get good  
15 exposure to what's going on around the country, around the  
16 world.

17 Q And there was marketing that was happening; right? You  
18 were involved in marketing?

19 A Through the FDNY Foundation and the fire department  
20 there's a lot of different marketing. Through different  
21 channels the Fire Department has.

22 THE COURT: He just wants to know if you were  
23 involved in any marketing.

24 THE WITNESS: To a degree. A role.

25 Q And not just fire department, and not just foundation;



*Isaacs - cross - Fletcher*

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1 right? There was like, JEMS is an outside journal; right; is  
2 that fair to say?

3 A The trade journals are EMS World and JEMS.

4 Q And you had direct communications with those trade  
5 journals?

6 A Correct.

7 Q Okay.

8 And Jean O'Shea wasn't with you in communicating  
9 directly with those trade journals; right?

10 A Only one -- well, Susan Wipper, who works for the  
11 Foundation, if there was some marketing by them, she would --  
12 they would have a conversations because the Foundation was  
13 paying for marketing, but in terms of, like, articles and so  
14 on, yes, I was directly communicating with them regarding any  
15 write-ups and so on.

16 Q Okay.

17 So is it fair to say you organized a lot of these  
18 things and then, if you needed approval from someone or you  
19 needed logistical help from another part of the department,  
20 you would go seek that approval and logistical help?

21 A Every aspect I would have to get approval, correct.

22 Q Okay.

23 But there were things that you were doing on your  
24 own and then, if you needed approval, you would go seek that  
25 approval; right?

*Isaacs - cross - Fletcher*

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1 A Again, it depends on what it is. At the end of the day,  
2 I don't make any final decisions --

3 Q I'm not asking if you made a final decision, sir.

4 A But, of course, I have to do work on something, so it is  
5 independent, your work, but always wearing my FDNY hat, I  
6 guess, so to speak.

7 THE COURT: Please, sir; listen to the question and  
8 I think we can move this along a little more efficiently.

9 MR. FLETCHER: Thank you, Your Honor.

10 THE COURT: I think the question was: Did you get  
11 approvals when needed?

12 THE WITNESS: Correct, yes.

13 Q You did.

14 So there were times -- not all the time, but there  
15 were times when you acted independently and there were times  
16 when you believe you needed approval; right?

17 A Again, I just want to answer your question. Any  
18 decisions, I would seek approval.

19 Q But there were times when you acted independently;  
20 correct?

21 A I'm not trying to be difficult because I want -- when you  
22 say "independently", are you talking about coming up with  
23 topics, seeking out speakers? Those type of things? I just  
24 want to clarify.

25 Q Sure.

*Isaacs - cross - Fletcher*

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1 A Yes, that is correct, then you can say I was acting  
2 independently for those activities.

3 Q You often used email to seek approval for different  
4 activities; right; from the FDNY chiefs or from Jean O'Shea;  
5 correct?

6 A Correct.

7 Q And you often forwarded those emails to Juan Henriquez;  
8 right?

9 A Some of them. Again, as a personal, entrusted friend,  
10 you know, I shared what I thought was relevant with him.

11 THE COURT: Why did you do that? Was it solely  
12 because of friendship or because of the role he was playing in  
13 coordinating and planning and --

14 THE WITNESS: Purely as one of my -- I thought, one  
15 of my closest, personal friends.

16 THE COURT: It had nothing to do with his role in  
17 the conference?

18 THE WITNESS: No. No, ma'am.

19 THE COURT: So how many other trusted friends did  
20 you share emails with, with the top brass of the FDNY and the  
21 Foundation?

22 THE WITNESS: Juan was one of my closest friends.

23 THE COURT: Who else --

24 THE WITNESS: On occasion, maybe with other people  
25 if I thought it was appropriate, whether -- depends who I'm

*Isaacs - cross - Fletcher*

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1 working with. It could have been one of the EMS officers if I  
2 thought it was appropriate for them to know about something.  
3 If it's another medical director, if I thought it was  
4 appropriate, but certainly for Juan, you know, I -- you know,  
5 I shared pretty much most conversations I've had or emails  
6 that I thought were, you know, something I think he would want  
7 to know. As a friendship and probably not appropriate as my  
8 job maybe, I don't know, but as a friend, a trusted friend, I  
9 shared them with him.

10 THE COURT: And that is the only basis for your  
11 sharing with this close friend?

12 THE WITNESS: Right.

13 THE COURT: And you can't think of any other close  
14 friends that you shared information with that were not part of  
15 the FDNY structure and planning this conference?

16 THE WITNESS: Sure. Well, just to clarify that,  
17 Juan played a role in planning, so I look at it as FDNY  
18 capacity, but there are other officers like Joseph Spinelli,  
19 who was, I think, a lieutenant at the time, Pamela Lai --

20 THE COURT: Well, she was a friend and a colleague;  
21 correct?

22 THE WITNESS: Correct.

23 THE COURT: Did you share a lot of these emails  
24 with her as well?

25 THE WITNESS: There were so many different emails

*Isaacs - cross - Fletcher*

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1 when planning this. Not every email, but I'm sure there's  
2 some emails I forwarded to them. You know, there's so many  
3 things going on with planning this, so...

4 THE COURT: All right. Thank you.

5 Q So was Mr. Henriquez involved in planning the FDNY MSOC  
6 events in any way?

7 A Yeah, he played a role, absolutely.

8 Q Okay.

9 He did not have much direct communication with Jean  
10 O'Shea or the FDNY chiefs, though; right?

11 A Correct.

12 Q You were the communication point with Jean O'Shea and the  
13 FDNY chiefs; right?

14 A Yes, sir.

15 Q Juan is a paramedic; right?

16 A Is a MSOC, that's correct.

17 Q That's sort of like the lowest on the totem pole in the  
18 EMS?

19 A No. I -- I -- that's a kind of strange way of saying it.  
20 He's part of our medical special operations. He's a  
21 highly-trained medical specialist for our SOC Task Force as  
22 well as our \*\*\*Federal Urban Search and Rescue Task Force.  
23 He's an instructor for our rescue paramedic program. So he's  
24 actually, when it comes to paramedics, one of -- probably our  
25 highest tier of trained individuals in the department from a

*Isaacs - cross - Fletcher*

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1 medical standpoint.

2 Q I understand that Mr. Henriquez is highly trained and has  
3 a wealth of experience inside and outside the department. My  
4 question, though, is about the EMS chain of command.

5 A paramedic is not an officer; right?

6 A That is correct.

7 Q Okay.

8 Are there ranks below officer level?

9 A Well, different levels of certification. You have  
10 certified first responders, you have EMT basics and then  
11 paramedic. So, for example, if you're on-scene, the paramedic  
12 is the highest ranking medical person, so they make medical  
13 decisions, but in terms of an officer, yes, after that, it  
14 becomes lieutenant, captain and so on.

15 Q Are there any ranks between paramedic and the officer  
16 ranks?

17 A Not that I'm aware of, no.

18 Q In your role as -- were you deputy medical director of  
19 the FDNY Office of Medical Affairs back then?

20 A As I am still now, correct.

21 Q Okay.

22 And do you have any supervisory authority over  
23 Mr. Henriquez?

24 A I have no operational supervisory role at all.

25 Q You do have an ability to have direct connections with

*Isaacs - cross - Fletcher*

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1 FDNY chiefs in a way that Mr. Henriquez did not have; correct?

2 A That is correct.

3 Q And that's because of your role as a doctor in the office  
4 of medical affairs or something else?

5 A As a deputy medical director, yes. As a medical director  
6 for FDNY, yes.

7 Q You had access to decision-makers that Mr. Henriquez did  
8 not have; fair to say?

9 A Yes.

10 Q And it's your understanding that Mr. Henriquez did not  
11 have regular contact with those decision-makers personally?

12 A That's not accurate. We understand we have a rank  
13 structure, a chain of command, but, you know, when we work  
14 in -- there's relationships; meaning, he has often talked to  
15 officers like -- I mean, he's got some very close friends that  
16 were captains, chiefs, people he knew -- people at the highest  
17 level of department. So there's personal relationships.

18 So while we do have a structure of chain of command,  
19 but certainly he had access to and spoke to chiefs anywhere  
20 from, you know, any of the chiefs that were planning or  
21 involved. He has -- forget conference, just through any time  
22 he has access to officers and it's not following a strict  
23 chain of command.

24 Q Did he talk to the chiefs regarding organizing the MSOC  
25 conferences?

*Isaacs - cross - Fletcher*

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1 A I don't recall of him talking about actual making  
2 decisions or planning, but he may have shared information with  
3 them.

4 Q Okay.

5 About the conference?

6 A Correct.

7 Q You also had direct communications with Joe Hernandez  
8 about these conferences; right?

9 A Yes, because he was also a good friend, not my same  
10 relationship I had with Juan, but he was a good friend and  
11 often at the urging of -- by Juan reaching out to Joe, so...

12 Q And you first met Joe Hernandez in or about 2009; is that  
13 fair to say?

14 A Actually, it was 2008. He taught my federal -- my FEMA  
15 Medical Team Specialist course and -- it's going to come to  
16 me -- out west. Memphis. I took the 2008 Medical Team  
17 Specialist course, and he was one of the instructors.

18 Q Okay.

19 So Joe Hernandez, you first met him in the capacity  
20 of your teacher; is that fair to say?

21 A Yes, he was one of my instructors, that's correct.

22 Q You continued to have communications after that course?

23 A No, not for a while. I met him at some of the Special  
24 Operations Medical Association conferences, and -- but I  
25 didn't quite know him -- when I got to know him better was in



*Isaacs - cross - Fletcher*

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1 2012. I was acting as a shadow instructor in Medical Team  
2 Specialist courses in Pennsylvania in 2012. And then later  
3 that year, also in Vegas.

4 Q Okay.

5 So in or about 2012, you got to know him better?

6 A That is correct.

7 Q And was this -- so you talked about first taking the MTS  
8 course in 2008 and then being a shadow instructor in 2012.

9 So were you, at that point, just getting involved in  
10 sort of the FEMA Task Force system?

11 A During -- actually, once I took the Medical Team  
12 Specialist course in 2008, I was on the team.

13 Q Okay.

14 THE COURT: Of what? What team?

15 THE WITNESS: Of the federal -- our New York Task  
16 Force I, which is made of half FDNY and half NYPD as part of  
17 the federal system.

18 Q And Mr. Henriquez is also on that team; right?

19 A That is correct.

20 Q Who is the main point of contact between Joe Hernandez  
21 and the FDNY MSOC events?

22 A Between Joe Hernandez and when we ran the FDNY MSOC  
23 events?

24 Q Yes. How did Joe Hernandez become involved?

25 A Really through Juan Henriquez.

*Isaacs - cross - Fletcher*

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1 Q So it was Juan's personal relationship with Joe  
2 Hernandez?

3 A Correct, and their company DMS.

4 Q Did you also have personal -- direct communications with  
5 Joe Hernandez about the events?

6 A Yes.

7 Q On multiple occasions?

8 A Yes. I consider him a good friend.

9 Q Beginning in about 2012?

10 A I can't recall, but I would assume in 2012, since we were  
11 planning it.

12 THE COURT: You were planning in 2012 --

13 THE WITNESS: For the 2013 conference. I  
14 certainly -- since this is the first year doing it, planning,  
15 communication.

16 You have to understand, in the \*\*\*Urban Search and  
17 Rescue system, there's a small group of us, not just Joe  
18 Hernandez. I was speaking to people around the country, but  
19 Joe Hernandez was certainly one of them.

20 Q And you also often sought Mr. Hernandez's input and  
21 resources to produce the FDNY MSOC events; right?

22 A So we've all -- very passionate about this field of  
23 medicine, of special operations medicine, so Juan asked to be  
24 involved when I brought up we're going to do a conference at  
25 the urging of some of the people at the fire department that,

*Isaacs - cross - Fletcher*

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1 hey, we're one of the leaders of special operations around the  
2 world. You know, we had people who -- actually, Chief Ray  
3 Downey, who developed the concept of \*\*\*urban search and  
4 rescue. So we are considered the leaders in the -- one of the  
5 leaders in the world and so people said, medically, we've got  
6 to protect our leadership and so, hence; the idea of the  
7 conference.

8 So Juan asked to be involved and as a good friend,  
9 I'm like, yes. This is the fun part of the job when you get  
10 to work on things together. You know, it's not my specific  
11 job description, but it's the fun part of the job of working  
12 on projects together.

13 MR. FLETCHER: Your Honor, I don't want to interrupt  
14 Dr. Isaacs when he's testifying, but he's -- he wasn't  
15 answering my question. I think he might have misunderstood my  
16 question.

17 THE COURT: Okay.

18 MR. FLETCHER: So I don't know whether to interrupt  
19 him when he's going on let him finish.

20 THE COURT: Well, this is cross-examination, so you  
21 are free to ask questions that would call for a yes or no  
22 answer whether he's either affirming or agreeing or not  
23 agreeing. You are free to use that form.

24 MR. FLETCHER: I believe I did, which is why --

25 THE COURT: All right.

*Isaacs - cross - Fletcher*

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1           So, sir, listen to the question and answer the  
2 question. Not some other question, all right?

3           If you need to say something more, that is the job  
4 of your lawyer to bring it out, but right now listen to the  
5 lawyer's question and answer that question.

6           THE WITNESS: Yes.

7           THE COURT: Thank you.

8 Q       Okay. So I'm asking about Joe Hernandez.

9 A       Yes.

10 Q       Not Juan Henriquez, okay?

11           You sought -- you asked for Joe Hernandez's  
12 resources and advice on multiple occasions related to the FDNY  
13 MSOC events; right?

14 A       Yes.

15 Q       Okay.

16           You asked for his contact lists?

17 A       Can I clarify it when you say "contact list"?

18 Q       Yeah, you looked for a list of people that the FDNY could  
19 market its event to?

20 A       It was specifically regarding his -- in the \*\*\*State  
21 Urban Search and Rescue. At Juan's once urging -- but I have  
22 to clarify when you say contact list.

23           It was specifically at the urge of Juan that they  
24 work with people at the State level, which I'm not familiar  
25 with, I know people at the federal level. So for that, yes.

*Isaacs - cross - Fletcher*

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1 He offered it.

2 Q This is another yes or no question: So you asked for one  
3 of Joe Hernandez's contact lists to support the FDNY's  
4 marketing events for its events; right?

5 A It was more asking him to use his contacts to advertise  
6 the conference.

7 Q Okay. We're going to look at that document in a second.

8 A Okay.

9 Q You did that.

10 Did you also ask for Joe Hernandez's input into  
11 various FDNY MSOC conference materials?

12 A Not materials, but ideas of topics. That's what I  
13 recall.

14 Q Ideas for topics?

15 A Yes, like when we -- every year we changed the topics of  
16 the conference to keep it fresh, and what's new, so he was one  
17 of many people I sought out.

18 Q Okay.

19 THE COURT: So you did not come up with conference  
20 topics on your own.

21 THE WITNESS: A lot of them. Majority.

22 THE COURT: All right.

23 But you sought advice from lots of people for  
24 topics.

25 THE WITNESS: Correct. Around the country.

*Isaacs - cross - Fletcher*

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1 Correct.

2 Q Just so I'm clear -- going back, but then we're going to  
3 keep moving forward -- so the FDNY chiefs, like the leadership  
4 that you sought approvals from for these conferences, they  
5 were not personally involved in the day-to-day details of  
6 planning and producing the conferences; right?

7 A Parts of it.

8 Q Parts of it they were and parts of it they were not?

9 A Of the day-to-day, correct.

10 Q Okay.

11 And Jean O'Shea was not personally involved in the  
12 day-to-day of planning this event; right?

13 A Only stuff that needed approval from the Foundation were  
14 things that the Foundation had to work on.

15 Q But if it didn't -- if you didn't think it needed  
16 approval --

17 A From the Foundation, correct, I would not seek out  
18 Ms. O'Shea.

19 Q Is that the same thing with the FDNY leadership; if you  
20 didn't think it needed approval you didn't seek approval?

21 A Well, I always sought approval, but would have to go to  
22 the appropriate chain of command of who gives that approval.

23 Q That's not my question.

24 If you didn't think it needed approval, you didn't  
25 ask for approval; right?

*Isaacs - cross - Fletcher*

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1 THE COURT: Yes or no?

2 A I mean, I would always seek approval for decisions that  
3 had to be made. I'm trying to answer the best question.

4 So if it did not need approval, then I would make  
5 decisions, but if it sought approval, I would seek -- I would  
6 ask for approval.

7 THE COURT: The question was whether there are some  
8 decisions where you didn't seek approval.

9 THE WITNESS: Oh, some.

10 THE COURT: You decided on your own --

11 THE WITNESS: Okay. Yes.

12 THE COURT: Listen to the question.

13 Q You didn't ask for approval to send every single email  
14 you sent regarding this conference; right?

15 A No, I would not have to seek approval on everything.

16 THE WITNESS: Judge, I thought it was in absolute  
17 terms he was asking.

18 THE COURT: No. Just listen to the question, okay,  
19 and if you want to say, well, not on everything, or not  
20 absolutely, that's fine, but please listen to the question.  
21 We can get through this much more efficiently.

22 THE WITNESS: Yes, okay. Understood.

23 Q And you're a salaried FDNY employee; right?

24 A Correct.

25 Q And you have been during the entire period?

*Isaacs - cross - Fletcher*

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1 A I have what?

2 Q You have been during the entire period 2013 to 2019.

3 A Correct.

4 Q So it's your testimony that you came up with the term  
5 Medical Special Operations Conference?

6 A Correct.

7 Q Not FDNY MSOC, you came up with the name "Medical Special  
8 Operations Conference"?

9 A Well, it was always called FDNY Medical Special  
10 Conference.

11 Q So you had no knowledge of the phrase "Medical Special  
12 Operations Conference" being used prior to its use in  
13 connection with the FDNY Special Medical Operations  
14 Conference?

15 A Yes, that is correct.

16 Q You never had any discussions with Mr. Henriquez about  
17 prior MSOCs or Medical Special Operations conferences  
18 occurring before the FDNY MSOC?

19 A No prior MSOC -- if you want it just for short --  
20 conferences, that is correct.

21 Q There's some binders in front of you.

22 A Sure. Which one?

23 Q There's a binder that says: Defendant's Exhibits. It's  
24 black. Black and white is convenient.

25 Let's look at Exhibits C.



*Isaacs - cross - Fletcher*

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1 Do you see that's an email exchange -- sorry,  
2 HENR-35, Bates stamp.

3 Do you see that's an email exchange between you and  
4 an email address caprefil@Yahoo.com?

5 A I'm sorry, I opened up to C, as you stated, and I see one  
6 Joe Hernandez, and Juan, and then some others. Hold on. Oh,  
7 okay.

8 THE COURT: The number on the page that he referred  
9 you to is HENR-35.

10 THE WITNESS: Yes.

11 Q Okay.

12 You see that email? It's two emails?

13 A Correct.

14 Q Sir, do you see it's an email exchange between Doug  
15 Isaacs and caprefil@Yahoo.com?

16 A Correct.

17 Q And caprefil@Yahoo.com is Mr. Henriquez's personal email;  
18 is that correct?

19 A Correct.

20 Q Also there's -- it looks like there's two email addresses  
21 for you at the bottom email. There's one DAIsaacs74@aol?

22 A Yes, that's my personal AOL account.

23 Q The one above it was an FDNY account?

24 A Correct.

25 Q So you see that this email exchange occurred on June 29,

*Isaacs - cross - Fletcher*

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1 2012; right?

2 A Correct.

3 Q Okay.

4 And that's almost a year before the first FDNY MSOC  
5 event; right?

6 A Yes. I guess less than a year, but correct.

7 Q Okay.

8 And you see the subject line is: Re: MSOC NY.

9 A I see.

10 Q And do you see Mr. Henriquez in his email to you says: I  
11 attached a draft to show how we would do it in New York. It  
12 follows the same structure as the previous MSOC events.

13 A Okay. I actually called him after this --

14 Q I haven't asked you a question.

15 A Okay, sorry.

16 Yes, I see what's written there.

17 Q Okay.

18 So did you understand, as you sit here today, that  
19 Mr. Henriquez is referring to previous MSOC events?

20 A I did not see that at the time.

21 Q You didn't see that --

22 A I don't recall seeing this in terms of other MSOC events.

23 Q I'm sorry? Let me ask a question.

24 So your testimony today is that when you received an  
25 email apparently attaching some sort of draft document from

*Isaacs - cross - Fletcher*

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1 Juan saying: Here's a draft to show you how we would do it  
2 New York, it follows the same structure as previous MSOC  
3 events; you did not understand that to be referring to MSOC  
4 events that happened before Mr. Henriquez sent this email to  
5 you in June 2012?

6 A Correct. I'm not sure what he was talking about at the  
7 time.

8 Q You had no idea?

9 A No.

10 Q Okay. Let's look at the next side: The formula is the  
11 same tweaked. Just tweaked it to what we have available here.  
12 It all depends on how much support we get from the rest of the  
13 FDNY. Joe and Vinny are it.

14 A Again, I'm not sure what that meant.

15 Q Okay. I haven't asked you a question.

16 THE COURT: Let him ask the question, all right,  
17 sir?

18 THE WITNESS: Okay. Sorry, Judge. I apologize.

19 Q Okay.

20 Did you understand Mr. Henriquez to be referring to  
21 Joe Hernandez?

22 A Yes. With the line Joe and Vinny, correct.

23 Q All right.

24 And Vinny is Vincent Johnson?

25 A That's correct.

*Isaacs - cross - Fletcher*

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1 THE COURT: What page are you talking about, sir?

2 MR. FLETCHER: This is the same exhibit, Exhibit C.  
3 It's just a one-and-a-half-line email exchange.

4 THE COURTROOM DEPUTY: Judge, can he just put the  
5 document on the ELMO?

6 THE COURT: Yes. I am not sure I have that  
7 particular page.

8 MR. FLETCHER: Really?

9 THE COURT: Exhibit C. Oh, I see, I see. The  
10 second sentence of that email. I see.

11 MR. FLETCHER: Are we all together here?

12 THE COURT: Yes.

13 MR. FLETCHER: I'm just making sure the binders  
14 didn't get mixed up.

15 Q Okay.

16 So it's your testimony today that you have no idea  
17 what Mr. Henriquez is talking about.

18 A Correct.

19 Q Okay.

20 And you see above you said: Thanks, Juan.  
21 Exclamation point.

22 A I see that. It's my frequent response, but, you know, I  
23 could be teaching and be just acknowledging him.

24 Q Okay. Let's look at another document.

25 Could you turn to Exhibit P? P like "Peter."

*Isaacs - cross - Fletcher*

457

1 A Understood.

2 Q Actually, before you get there, stop for a second.

3 You said when you were asking for Joe Hernandez's  
4 contact list, you were asking for State Urban Search and  
5 Rescue contact lists?

6 A Correct.

7 Q Okay. So now let's look at this exhibit.

8 Do you see the top email is an email from you to  
9 Mr. Henriquez, dated July 2014 -- July 7th.

10 A I see -- yeah, July 7, 2014.

11 Q Okay.

12 And you say: Can you please send me your MSOC  
13 contact lists, including Joe's. We need to give them to Susan  
14 for marketing.

15 A I do not recall.

16 Q I didn't ask you a question.

17 Do you see that?

18 A I see that, yeah.

19 Q Do you recall sending this email?

20 A I do not.

21 Q Okay.

22 Do you think Susan refers to Susan Wipper at the  
23 foundation?

24 A Yes, the only Susan I know at the FDNY.

25 Q Did she handle marketing for the FDNY MSOC events?

*Isaacs - cross - Fletcher*

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1 A No, not marketing.

2 THE COURT: What?

3 THE WITNESS: No, she does not do marketing.

4 Q She didn't do any marketing work for the FDNY MSOC  
5 events?

6 A No, that wasn't her role.

7 Q Okay.

8 So why did Susan Wipper at the foundation want MSOC  
9 contact lists for marketing?

10 A Again, I do not know. I don't recall this email. I  
11 don't recall ever seeing it. I went through my archives.  
12 I've never seen this. I don't recall ever seeing this before.

13 Q And you have no recollection of why you asked -- I mean,  
14 this is you; right; Doug.Isaacs@FDNY.NYC.gov?

15 A That's absolutely my name, yes.

16 Q You have no recollection of why you asked for an MSOC  
17 contact list for Mr. Henriquez or Joe Hernandez?

18 A No, I don't recall ever seeing this before other than  
19 related to this hearing.

20 Q Is it your testimony that you did not send this email?

21 A All I can say is I do not recall sending this email.

22 Q Let's look at the email below from Mr. Henriquez back to  
23 you.

24 THE COURT: Same day?

25 MR. FLETCHER: Same day, July 7, 2014.

*Isaacs - cross - Fletcher*

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1 THE COURT: At 6:33?

2 MR. FLETCHER: At 6:33.

3 Q So about an hour after you sent your email, Mr. Henriquez  
4 says: Attached, stand by for the other, can I call you later?  
5 Juan.

6 And do you see, highlighted, it looks like there was  
7 an attachment to that email that Mr. Henriquez sent to you.

8 Do you see that?

9 A I see this in front of me, correct.

10 Q And you see the document reflects what appears to have  
11 been an attachment, an Excel file?

12 A Yes.

13 Q Okay.

14 And you see that the title of the Excel file is  
15 2012\_MSOC\_GA\_full?

16 A Yes, I see that.

17 Q Okay.

18 And as you sit here today, you have no recollection  
19 of whether that was an Excel file relating to a 2012 MSOC  
20 event in Georgia?

21 A I do not recall ever seeing this email, also searching my  
22 archives. I have not seen this email before, and it's not in  
23 my archives.

24 Q Okay.

25 So you don't recognize this?

*Isaacs - cross - Fletcher*

460

1 A No, I do not.

2 THE COURT: Sir, do you recall whether or not  
3 Mr. Hernandez ever sent you -- I'm sorry.

4 Do you recall receiving a 2012 MSOC Georgia list of  
5 contacts --

6 THE WITNESS: No.

7 THE COURT: So you are saying you never received it.

8 THE WITNESS: I do not recall ever receiving any  
9 list from Joe Hernandez.

10 THE COURT: Or --

11 THE WITNESS: Or Juan Henriquez.

12 Q And you don't recall ever asking for it?

13 A I do not recall asking for it, but asking them to  
14 advertise for us.

15 Q You recall asking them to advertise?

16 A Yes. The flyer.

17 Q But you don't recall ever asking for a contact list?

18 A Correct. I don't have any contact list from them.

19 Q You said you asked for a SUSAR contact list; right?

20 A To my recollection, if I may, I just asked if we can  
21 distribute this at the urging of Juan to the SUSAR system, so  
22 I can't recall asking for a list, but asking for their help  
23 on, I guess, advertising the conference.

24 MR. FLETCHER: Your Honor, do we have realtime right  
25 now? Is there a way to read back the transcript from an



*Isaacs - cross - Fletcher*

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1 answer that was given previously?

2 THE COURT: We can ask the court reporter if she can  
3 find it.

4 MR. FLETCHER: There was a prior reference to SUSAR.  
5 The SUSAR contact list. I would love to see -- what  
6 Dr. Isaacs said.

7 THE COURT: Would you mind, ma'am, reading the Q and  
8 A?

9 We will have to wait a moment while she looks for  
10 it. Was it at the beginning or -- I know it was close to the  
11 beginning; wasn't it?

12 MR. FLETCHER: Yeah, it was pretty close to the  
13 beginning. It was maybe ten minutes in.

14 THE COURT: Yes.

15 MR. FLETCHER: The beginning went long.

16 THE COURT: Yes.

17 (Record read.)

18 THE COURT: There was mention about state contacts.  
19 Is that what you mean by SUSAR, sir?

20 MR. FLETCHER: It could be.

21 Q Dr. Isaacs, you said state contacts earlier; right?

22 A The State Urban Search and Rescue, right.

23 THE WITNESS: Which is SUSAR, right.

24 (Pause in the proceedings.)

25 MR. FLETCHER: Your Honor, another way to do this

*Isaacs - cross - Fletcher*

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1 would be, we can continue and I think at some point we're  
2 probably going to have to take a lunch because this is taking  
3 a while and we can look for that during the break and come  
4 back to it, if we need to.

5 THE COURT: All right. The court reporter needs to  
6 eat lunch, too, but all right.

7 MR. FLETCHER: I mean, I'm happy to wait now. I  
8 don't know what's more efficient.

9 THE COURT: It is your call.

10 THE COURT REPORTER: I can do it at lunch, Judge.

11 THE COURT: Okay.

12 MR. FLETCHER: So let's just move on.

13 Q Dr. Isaacs, do you generally have problems with your  
14 memory?

15 A No.

16 Q Have you taken -- like, are you on any medication right  
17 now? Have you taken anything or consumed anything that would  
18 affect your ability to testify and recall things today?

19 A No.

20 Q Okay.

21 You've never had any injuries that would affect your  
22 memory?

23 A No.

24 Q Let's look at Exhibit D.

25 A Can you repeat that, please?

*Isaacs - cross - Fletcher*

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1 Q Exhibit D.

2 So we'll start on the first -- the first page of  
3 actual documents in Exhibit D, it's page 2 of 55. It's an  
4 email, it's Bates stamped HENR-15.

5 A You said 2 of 55?

6 Q 2 of 55, yes?

7 A Let me just read it, please.

8 Okay.

9 Q Okay.

10 So this is an email from you to Mr. Henriquez dated  
11 November 24, 2012, and you will see there's a highlighted  
12 portion where you're asking Mr. Henriquez to: Forward you a  
13 draft of the assigned lectures we had discussed at the station  
14 the other week. Let me know where the speakers recommended by  
15 Mike and Joe would fit in.

16 A I see the email.

17 Q First of all, do you recall sending this email?

18 A It was -- I can't specifically, but it would seem  
19 appropriate.

20 Q No.

21 Do you recall sending this email?

22 A Can't remember specifically, no.

23 Q So the answer is: No, you don't recall?

24 A Let me -- just let me read it again, please.

25 Yes, I do believe I recall this email now.

*Isaacs - cross - Fletcher*

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1 Q You do.

2 So you sent this email?

3 A Yes.

4 Q Okay.

5 And you see that you're asking Mr. Henriquez to,  
6 quote: Forward me -- meaning you -- the draft of the assigned  
7 lectures that you and Mr. Henriquez had discussed at the  
8 station the other week.

9 A I see the highlight, correct.

10 Q Okay.

11 So -- so you're asking Mr. Henriquez to forward you  
12 drafts of lectures --

13 A That him and I reviewed when I stopped by his station and  
14 we sat down, correct.

15 Q So who created those drafts?

16 A I can't recall because we go back and forth with drafts,  
17 so I can't recall the original, who put in electronic form,  
18 what would have gone back and forth, but in terms of the  
19 discussion, that was based on our discussions.

20 Q All right.

21 Well, if you're sending Mr. Henriquez a request to  
22 send you a document, it seems fair to say that Mr. Henriquez  
23 has that document and you don't have that document; right?

24 A That's reasonable, yes.

25 Q Okay, great.

*Isaacs - cross - Fletcher*

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1 And when you say: Let me know where the recommended  
2 speakers by Mike and Joe would fit in.

3 Joe is -- do you see that?

4 A Yes, Mike Kurtz and Joe Hernandez.

5 Q Who is Mike Kurtz?

6 A Mike Kurtz is a medical specialist from the Pennsylvania  
7 Task Force I.

8 Q He was one of your teachers as well; correct?

9 A One of -- yes, one of my instructors.

10 Q For the FEMA Task Force program; right?

11 A And whose program I shadowed, correct.

12 Q And Joe is Joe Hernandez.

13 A That's correct.

14 Q So Mike Kurtz and Joe Hernandez suggested speakers for --  
15 actually, we don't have a foundation.

16 This email is referring to the FDNY MSOC event;  
17 correct?

18 A The FDNY MSOC event.

19 Q The first one -- this is --

20 A November --

21 THE COURT: One at a time.

22 Q This is November 2012, you're in the process of planning  
23 the 2013 event; right?

24 A Yes, finalizing the event, correct.

25 Q Well, finalizing in November 2012?

*Isaacs - cross - Fletcher*

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1 A Part of the plan.

2 Q Let's look at the next document.

3 A Sure.

4 Q Do you see this is an email from yourself to a number of  
5 people?

6 A Correct.

7 Q Okay.

8 That -- who is Grumpy Medic@aol?

9 A It was one of our rescue paramedics and one of our  
10 Medical Team Specialists for our New York Task Force I.

11 Q Okay.

12 And he was with the FDNY?

13 A Yes.

14 Q And Vincent Johnson?

15 A Also at the time with FDNY, in the same position as Juan  
16 and the grumpy paramedic there.

17 Q And the reference to Louis Cook is, he was a battalion  
18 commander; is that correct? Or HAZTAC commander?

19 A Captain.

20 Q Of HAZTAC?

21 A Correct.

22 Q At FDNY?

23 A Correct.

24 Q So Captain Cook was involved in the discussions from the  
25 beginning; fair to say?

*Isaacs - cross - Fletcher*

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1 A Not from the beginning, that's incorrect.

2 Q Well, this is March 2013.

3 So, from early on.

4 A He was, as I recall, he was going to be running one of  
5 the skills stations.

6 Q For 2013?

7 A That's correct. That was his only role.

8 Q Okay.

9 And do you see the highlighted text: Between myself  
10 and Juan, we have spoken to you about the overall concept for  
11 the conference.

12 A Correct.

13 Q So is it fair to say that you and Juan were the people  
14 with the most information about this event?

15 A Correct.

16 Q Okay.

17 And the last line you say: In the meantime, if you  
18 have any questions, please do not hesitate to contact either  
19 Juan or myself.

20 A Yes.

21 Q And again, that's Mr. Henriquez.

22 A That is correct.

23 Q Let's look at the next page.

24 A Okay.

25 Q That appears to be a flyer for the MSOC 2013 event at the

*Isaacs - cross - Fletcher*

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1 FDNY; correct?

2 A That is correct.

3 Q And Mr. Henriquez designed that flyer; correct?

4 A Yes. He offered to do it and he did a nice job here.

5 Q And there was a website for the 2013 event, too; correct?

6 A Correct.

7 Q Okay.

8 And that was FDNYMSOC.com?

9 A That sounds right. I can't recall exactly.

10 Q That website for the 2013 event, the domain was owned by  
11 Juan Henriquez; right?

12 A So this is not -- I don't know 'cause it's not one of my  
13 area of expertise. I don't know. It was in conjunction with  
14 the Foundation.

15 Q So you had nothing to do with it.

16 A I -- Juan offered to help with the website and we have  
17 Dave Salemi, S-A-L-E-M-I, from the foundation -- Juan had me  
18 communicating with Dave Salemi from the FDNY Foundation.

19 Q So you have no personal knowledge of Juan Henriquez  
20 creating a website independently of the FDNY and foundation  
21 for the 2013 event?

22 A For the first-year event, I'm not aware of independently  
23 of him doing the website.

24 Q No recollection.

25 A Again, I know he worked in conjunction with them, but I



*Isaacs - cross - Fletcher*

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1 don't know who controlled it, so to speak. Whatever the  
2 domain, it's not my area of expertise.

3 Q And you never sought approval from FDNY leadership for  
4 want to create that website independent of the foundation and  
5 the FDNY?

6 A No. That would have to go through the FDNY Foundation.  
7 I don't have the --

8 Q That's not my question.

9 A I would have sought approval.

10 Q You -- it's your testimony that you did not personally  
11 seek approval?

12 A No. That isn't correct. I would have sought approval  
13 anything -- I'm trying to answer. I would have sought  
14 approval, but not get involved in the details of the website.

15 Q Did you seek approval?

16 A Yes.

17 Q So you did. You asked for approval from the Foundation  
18 and the FDNY for Mr. Henriquez to create a website  
19 independently of the foundation and the FDNY in 2013?

20 A In 2013, in anticipating of the 2014 conference, yes, I  
21 did reach out and asked if Juan could take charge of the  
22 website. That would have been in 2013.

23 Q That's not my question, sir.

24 A Okay, sorry.

25 Q In anticipation of the 2013 event, did you seek approval

*Isaacs - cross - Fletcher*

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1 from the FDNY and foundation for Mr. Henriquez to create a  
2 website independent of the FDNY and foundation?

3 A Regarding the conference, I do not recall.

4 Q You might have?

5 A I do not recall of him independently because --

6 Q You don't recall specific and extensive email  
7 communications back and forth with leadership at the FDNY and  
8 foundation that you're seeking approval for Mr. Henriquez to  
9 create a website independent for the 2013 event?

10 A I do. I recall in 2013, absolutely asking them for Juan  
11 to run the website. Absolutely. I just don't -- I thought it  
12 was in regards to the following year conference, not for the  
13 original conference; but absolutely, I did send an email  
14 asking the Foundation for approval to -- at Juan's urging, to  
15 the domain or run the website. That is correct.

16 Q For the 2013 event?

17 A I do not recall if it was the 2013. My understanding was  
18 for the following year. This is in the fall, getting -- or  
19 whenever it was, anticipating the 2014, but I do specifically  
20 remember asking -- speaking to Ms. O'Shea and then sending her  
21 an email -- or vice versa -- and asking approval, at Juan's  
22 urging, to be able to take over and run the website based on,  
23 you know, some of our frustrations from the first year.

24 Q Well, was there a website at all in the first year?

25 A Yes.

*Isaacs - cross - Fletcher*

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1 Q Who created the website?

2 A I -- as I recall, I believe it was Dave Salemi from the  
3 FDNY Foundation.

4 Q And it's fair to say that if there were email  
5 communications between you and the Foundation and the FDNY  
6 asking for approval for Mr. Henriquez to create a website, and  
7 those communications occurred before the 2013 event, that  
8 would have related to the 2013 event; right?

9 A I do not recall any communications --

10 Q That's not what I'm asking you.

11 THE COURT: Please, listen to the question for the  
12 umpteenth time.

13 THE WITNESS: Sorry, Judge.

14 Q It's fair to say that if the communications that you  
15 recall -- and I hear you, you don't know when they happened --  
16 but it's fair to say that if they occurred before the 2013  
17 event, they're related to the 2013 spring event; correct?

18 A I think that would be a fair statement.

19 Q You wouldn't ask for approval for a 2014 event before you  
20 even did 2013; correct?

21 A That would make sense, a plan, correct.

22 Q Okay.

23 And it's your testimony today that you just don't  
24 remember whether you asked for approval before or after the  
25 2013 event?

*Isaacs - cross - Fletcher*

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1 A I can't recall, but when the approval was requested.

2 Q Okay.

3 We don't have those documents in evidence today, but  
4 maybe one day we'll look at them.

5 THE COURT: You mean the emails from Dr. Isaacs  
6 seeking approval for Mr. Henriquez's to create a website --

7 MR. FLETCHER: For the 2013 event.

8 THE COURT: For 2013.

9 MR. FLETCHER: Yes, Your Honor.

10 THE COURT: So as an officer of the court, you are  
11 representing those emails to exist?

12 MR. FLETCHER: You know, I'm going to double-check  
13 on my laptop during lunch.

14 THE COURT: Okay.

15 MR. FLETCHER: But my recollection is they have been  
16 produced by the City. I made a choice not to include them in  
17 all of this because I didn't think I needed to.

18 THE COURT: Well, do you have any -- is it your  
19 position that Juan Henriquez never created a website for the  
20 2013 event?

21 THE WITNESS: So my recollection that Juan assisted  
22 Dave Salemi from the Foundation, they worked together, but  
23 Dave Salemi was the -- the key person from the Foundation with  
24 the website that first year.

25 THE COURT: Who was the webmaster or the person who

*Isaacs - cross - Fletcher*

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1 had control of the website for the 2013 event?

2 A Dave -- my understanding, Dave Salemi and the Foundation.

3 THE COURT: Do you know whether Mr. Henriquez ever  
4 had the website for the 2013 event on his server?

5 THE WITNESS: No.

6 Judge, could I just expand on one point? Would that  
7 be okay or no?

8 THE COURT: Yes, but generally, your lawyer would  
9 ask you to do that.

10 Did you want to say something more?

11 THE WITNESS: Yes.

12 Juan had informed me because of frustrations that  
13 things weren't done in a timely manner in that website, Juan  
14 sent me an outline and asked me to forward it to the  
15 foundation to argue why he should run the website and that's  
16 what I put in my email to Jean O'Shea.

17 THE COURT: Do you know roughly what year this was  
18 sent and what month?

19 THE WITNESS: It was following the first year we did  
20 the conference.

21 THE COURT: Do you know if the Foundation even had a  
22 website for the FDNY-hosted Henriquez events before the first  
23 2013 conference?

24 THE WITNESS: Before the 2013?

25 THE COURT: Yes. Did the Foundation have a website

*Isaacs - cross - Fletcher*

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1 for that, for registration or anything else?

2 THE WITNESS: We've had previous conferences, but  
3 not -- MSOC, but there was other conferences from --

4 THE COURT: Right.

5 My question is about the MSOC.

6 THE WITNESS: Oh, not for MSOC, not before 2013.

7 THE COURT: Okay. Thank you.

8 Q But it's your recollection that someone created a website  
9 for the 2013 event; right?

10 A Right.

11 Q And at some point you know that there was a donation  
12 agreement signed between Mr. Henriquez and the Foundation;  
13 right?

14 A Correct.

15 Q And is it your recollection that that donation agreement  
16 reflected that Mr. Henriquez was going to create a website for  
17 the 2014 event?

18 A Correct.

19 Q Okay.

20 And is it -- do you recall that the domain was  
21 FDNYMSOC.com?

22 A It was FDNY MSOC, I guess, .com. That sounds  
23 appropriate.

24 Q Do you recall that that website was hosted on  
25 Mr. Henriquez's personal server for the 2014 event?

*Isaacs - cross - Fletcher*

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1 A It's not my area of expertise, but I believe that was the  
2 case, but it's not my area of comfort with websites and  
3 dealing with computer servers.

4 THE COURT: Just what you know, sir, not that you  
5 have to know how it works.

6 THE WITNESS: Yeah, I believe so. I don't -- don't  
7 know.

8 Q Okay. But so it's your testimony that you believe  
9 that -- I'm sorry, it's David Salemi is that right?

10 A I believe Dave Salemi left after the first year.

11 Q Okay.

12 But you believe Dave Salemi created the website in  
13 2013?

14 A Correct.

15 Q And then did Juan take over that website or did he create  
16 an entirely new website in 2014?

17 A I do not recall, again, having him work with others in  
18 the Fire Department working on the website. I did not get  
19 into those details with the website.

20 Q Okay.

21 So let's turn to page 6, so we're just skipping  
22 ahead two pages?

23 THE COURT: 6 of 55.

24 MR. FLETCHER: 6 of 55, and 7 of 55.

25 THE COURT: Defendant's Exhibit D.

*Isaacs - cross - Fletcher*

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1 MR. FLETCHER: And these are FDNY 350 and FDNY 351.

2 THE WITNESS: Are you talking about 6 of 55?

3 MR. FLETCHER: Yes.

4 THE COURT: 6 and 7 of 55, Defense Exhibit D.

5 THE WITNESS: Okay.

6 Q This is an email exchange or appears to be an email  
7 exchange that covers a couple pages and some back-and-forths.

8 Do you see that?

9 A Yes, I see back-and-forth emails, correct.

10 Q And there's communications back and forth between Joseph  
11 Malvasio and Mr. Henriquez.

12 A Correct.

13 Q And then on page 7 of 55, you write to several people at  
14 the FDNY, including Joseph Malvasio and Mr. Henriquez: I  
15 included Juan Henriquez who developed the website.

16 A Where?

17 THE COURT: This is an email, dated January 14th,  
18 sent at 11:13 a.m., it's the second one on page 7 of 55.

19 THE WITNESS: Okay. I was on the wrong page. I  
20 apologize.

21 A Okay. I see that.

22 Q Okay.

23 So it appears that in January 2014, you believed  
24 that Juan Henriquez developed a website for the FDNY MSOC;  
25 correct?



*Isaacs - cross - Fletcher*

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1 A Yes. To the point he was running the website, correct.

2 Q Okay.

3 Question: The donation agreement, you received that  
4 from someone at FDNY legal or Jean O'Shea and passed that to  
5 Juan Henriquez to sign?

6 A I've seen it, but I -- there was -- that was whoever --  
7 either Jean O'Shea or Legal and Juan Henriquez, that was  
8 between them, but I was cc'd on it and have a copy.

9 Q So you didn't personally transmit the agreement to  
10 Mr. Henriquez; you believe you were cc'd on it?

11 A I don't recall, I certainly was involved in the  
12 communications, but I don't recall who sent it or what have  
13 you.

14 Q Let's turn back a couple pages to that flyer for FDNY  
15 MSOC for 2013, the first flyer.

16 THE COURT: Let's talk about the page number,  
17 please.

18 MR. FLETCHER: I apologize. It's 4 of 55, Defense  
19 Exhibit D, HENR-271.

20 THE COURT: Do you have it, sir?

21 THE WITNESS: Yes, Judge.

22 Q Was it your idea to call this event MSOC 2013 at FDNY?

23 A I do not recall making the title. Juan had taken the  
24 information, made the flyer, so I do not recall calling it  
25 that at FDNY.

*Isaacs - cross - Fletcher*

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1 Q Do you recall it ever being referred to as: MSOC year at  
2 FDNY?

3 A No.

4 Q No?

5 A We always referred to it as FDNY MSOC.

6 Q Let's skip ahead a couple of pages to page 10 of 55 in  
7 this same exhibit. It's Bates stamped HENR-55.

8 A Okay.

9 Q Do you see this page, sir?

10 A Yes.

11 Q Do you see at the top it's written: Medical Special  
12 Operations Conference.

13 And then underneath: MSOC 2014 at FDNY?

14 A I do recall this document that -- I developed it. It was  
15 changed by him and it was changed back.

16 Q Sorry, so you're saying that you were the original  
17 author --

18 A I believe. I thought I was. This looks like my type of  
19 writing, but I do recall this particular document.

20 Q Were you the first person to create this document?

21 A I thought so, but I certainly was involved in preparing  
22 the document, but I --

23 Q So you have seen this document before?

24 A I'm trying to remember the title on top, but everything  
25 else, yes.

*Isaacs - cross - Fletcher*

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1 Q Did Juan Henriquez create this document?

2 A I don't know if he created it or I did. I can't recall  
3 this.

4 Q Let's look at the next page, the facing page. It says:  
5 Potential lecture topics.

6 A Yes.

7 Q Do you see all the names in bold?

8 A Correct.

9 Q Okay. Joe Barbera.

10 Do you see that name?

11 A Yes.

12 Q He is not an FDNY -- he's not someone from the FDNY;  
13 right?

14 A That is correct. He's --

15 Q You met him through Mr. Henriquez and Joe Hernandez;  
16 correct?

17 A Actually, I don't recall from them. He was, I thought,  
18 recommended by Michael Kurtz.

19 Q Did you have any prior relationship with Joe Barbera  
20 before this?

21 A I can't recall if I have ever spoken to him or not before  
22 that.

23 Q Let's move down two lines, Chris Ho.

24 He's not an FDNY person; right?

25 A Correct. He's from California.

*Isaacs - cross - Fletcher*

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1 Q He's from California Task Force?

2 A Yes. California, one of the federal task forces.

3 Q So Chris Ho is on a federal task force?

4 A Sorry.

5 Q You believe Chris Ho is on a federal government task  
6 force?

7 A Yes. His father was my instructor, yes.

8 Q Did you have a personal relationship with Chris Ho before  
9 he was brought into the conference by Joe Hernandez and Juan  
10 Henriquez?

11 A No. When I emailed him asking him, no, that was the  
12 first time is when I asked him to speak.

13 Q Steve Chin, also from outside the FDNY?

14 A Correct.

15 Q You were introduced to him by Juan Henriquez and Joe  
16 Hernandez?

17 A I don't recall who asked me -- who introduced me, I can't  
18 recall.

19 Q Ken Miller, outside the FDNY?

20 A Again, I can't recall who made introductions.

21 Q I didn't ask you that question.

22 A I'm sorry.

23 Q Ken Miller is from outside the FDNY.

24 A Yes, I'm sorry, he's from California.

25 Q He's from California.

*Isaacs - cross - Fletcher*

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1           You don't recall who introduced you to Ken Miller?

2   A     I do not.

3   Q     Jenn Brown, she's from Florida right?

4   A     Correct.

5   Q     Joe Hernandez is from Florida; right?

6   A     Yes. Juan and Joe, yes. Introduced me.

7   Q     She does K-9 work, she's a vet; right?

8   A     Correct.

9           THE COURT: Mr. Hernandez and Mr. Henriquez  
10 introduced you to Jenn Brown?

11          THE WITNESS: Correct.

12   Q     Jorge Hernandez, also from outside of New York?

13   A     Correct.

14   Q     Also introduced to you by Joe Hernandez and Juan  
15 Henriquez?

16   A     Actually Patty Cantwell, C-A-N-T-W-E-L-L.

17   Q     And you were introduced to Patty Cantwell through  
18 Mr. Henriquez and Mr. Hernandez; correct?

19   A     Yes.

20   Q     Michael Kurtz we've discussed.

21           "Scott McKenna", it says. Do you understand that to  
22 refer to Scott McKinney?

23   A     Yes.

24   Q     He's -- he was -- he's a retired fire captain from  
25 Sacramento?

*Isaacs - cross - Fletcher*

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1 A Yes. He taught my 2008 class. He was the lead  
2 instructor. I met him.

3 Q Did you personally reach out to Scott McKinney or was it  
4 Joe Hernandez or Mr. Henriquez who personally reached out to  
5 Scott McKinney?

6 A I don't recall.

7 Q Is he sometimes called Scotty?

8 A Yes. Scotty.

9 Q Joe Holley. Also outside FDNY?

10 A Yes. In Memphis, correct.

11 Q And introduced to you by Joe Hernandez and Juan  
12 Henriquez?

13 A I met Joe Holley in my Memphis class in 2008.

14 Q Did you personally reach out to him, or did Mr. Hernandez  
15 and Mr. Henriquez reach out to him?

16 A I do not recall the initial context.

17 Q Ricky Cue, who is he?

18 A He's a physician from Massachusetts, Task Force I in the  
19 Boston area.

20 Q Mr. Hernandez and Mr. Henriquez asked him to participate;  
21 correct?

22 A I can't recall. I thought it was Michael Kurtz, but I  
23 can't recall specifically.

24 THE COURT: Did you reach out for him? Did you  
25 personally reach out for this individual, Mr. --

*Isaacs - cross - Fletcher*

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1 THE WITNESS: I was in communication with all the  
2 speakers, but in terms of the introduction, I can't recall.

3 THE COURT: All right.

4 But do you know who reached out for Ricky Cue to  
5 participate in the FDNY MSOC 2014 conference?

6 THE WITNESS: As asking them, that would come from  
7 me. In terms of the contacts, I don't know where I got the  
8 contact from, but I would do the introduction like, asking  
9 them to speak. I asked people to speak at the conference.

10 Q Dario Gonzalez is with the FDNY; right?

11 A He's also deputy medical director, correct.

12 THE COURT: Is he still a deputy medical director?

13 THE WITNESS: Correct.

14 THE COURT: How many deputy medical directors are  
15 there?

16 THE WITNESS: Now, we have nine.

17 THE COURT: So Dario Gonzalez and Dr. Lai and you  
18 are among the nine, currently?

19 THE WITNESS: Correct.

20 Q Doctor -- excuse me. Dario Gonzalez has been with the  
21 FDNY for quite some time; correct?

22 A Correct.

23 Q Have you ever had personal conflict with him?

24 A Yes.

25 Q And, in fact, you were opposed to Dario Gonzalez

*Isaacs - cross - Fletcher*

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1 participating in the early MSOCs; correct?

2 A I can't recall when we had certain conflicts, but he  
3 represented the leadership, so I would have included him, so  
4 I'm not sure -- I don't recall any conversations of excluding  
5 him, no.

6 Q You never -- you don't recall any conversations with  
7 Mr. Henriquez saying, I don't want Dario Gonzalez and  
8 Mr. Henriquez saying, we need him?

9 A I don't recall Juan saying we need him. I don't want  
10 Dario Gonzalez, but I realized politically I had to.

11 Q Did Mr. Henriquez participate in helping you realize  
12 that?

13 A I had a lot of -- I shared all my conversations with Juan  
14 as my close friend. I would, you know -- a sounding board. I  
15 didn't look at him as a role. It was just friends talking  
16 about this all. I would talk through with him, I had a  
17 trusting relationship with him.

18 Q So as a friend you understood Mr. Henriquez to be telling  
19 you that Dario Gonzalez had to be included in this event.

20 A I don't recall him telling me he had to because it wasn't  
21 Juan's decision, but he could have made the argument for it.  
22 I could see that.

23 THE COURT: Well, was Dario Gonzalez in a -- you  
24 said he was in the chain or something.

25 What was his role vis-a-vis you or his rank



*Isaacs - cross - Fletcher*

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1 vis-a-vis you?

2 THE WITNESS: Understood.

3 So we have the same City title as deputy medical  
4 director; however, he was the medical director for New York  
5 Task Force I.

6 THE COURT: Did you want that job?

7 THE WITNESS: Eventually, but wasn't -- eventually,  
8 but I did not ask -- I mean, I wasn't asking for the job, but  
9 it was his job, but I'm sure eventually, yes, I would have  
10 liked that job.

11 MR. FLETCHER: Can I continue, Your Honor?

12 THE COURT: Yes.

13 Q Let's turn the page on this exhibit. Now we're on 12  
14 of 55, Exhibit D, Bates stamped HENR-53.

15 Do you see this page, Dr. Isaacs?

16 A Yes, I do.

17 Q Do you see at the top of the page it's highlighted: MSOC  
18 2014 at FDNY?

19 A I see that.

20 Q You don't have any idea why it says MSOC 2014 at FDNY?

21 A I don't ever recall seeing this document with that. No.

22 THE COURT: Did you create this document?

23 THE WITNESS: I don't know, Your Honor, who created  
24 it.

25 Q Dr. Isaacs, you were the point-person for this event at

*Isaacs - cross - Fletcher*

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1 the FDNY; right?

2 A Correct.

3 Q Did you review all these planning documents as part of  
4 your role for the FDNY being the point person for this  
5 conference?

6 A There was a lot of draft documents circulating. I mean,  
7 yes, I would have seen documents related to the conference.  
8 I've never seen Excel document with MSOC 2014 FDNY. That  
9 would have been funny-looking to me. It wouldn't have been  
10 appropriate because it was FDNY MSOC.

11 Q So when you see MSOC 2014 FDNY, does that suggest  
12 something other than FDNY MSOC to you?

13 A No, because I wasn't aware of any other MSOC.

14 THE COURT: Well, why would this nomenclature be  
15 inappropriate, as you just said?

16 THE WITNESS: Well, it -- because we would call --  
17 my documents were FDNY MSOC. I never would have run -- I  
18 wouldn't have ever written a title on something and I don't  
19 recall ever seeing this particular document that would say:  
20 MSOC 2014 FDNY. That doesn't make sense to me.

21 THE COURT: All right.

22 So who decided the appropriateness or  
23 inappropriateness of the conference title being either MSOC  
24 2014 at FDNY or FDNY MSOC 2014? Who was that decision-maker?

25 THE WITNESS: Well, I would -- I would come up with

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1 that title and then just making sure, go up the chain of  
2 command, having any issues with this. Again, I would never  
3 have called it that. That makes no sense to me.

4 Q What's the difference? Why is MSOC, year, at FDNY  
5 different than FDNY MSOC?

6 A Because it would be -- because it's such a ubiquitous  
7 term in special operations, so it would have been FDNY Medical  
8 Special Operations Conference. We would never refer to  
9 anything at FDNY.

10 Q What does that signify to you if there is an MSOC  
11 conference at the FDNY?

12 A It just doesn't look appropriate. I just -- I can't  
13 answer it.

14 Q I need to understand why.

15 You're saying it's not appropriate. I want to know:  
16 What's the difference?

17 A Because I've never referred it to that. It wouldn't make  
18 sense to me.

19 Q So you're saying that you very tightly controlled the use  
20 of the term "FDNY MSOC"?

21 A No, but that's how it was referred to it as: FDNY MSOC.  
22 Because that's who we were.

23 Q So it's not that it's inappropriate, it's just that you  
24 never said anything else?

25 A I don't recall ever seeing anything else because it's our

*Isaacs - cross - Fletcher*

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1 medical special operations. Like, it wouldn't say special  
2 medical operations -- it would be the part or New York's  
3 Medical Special Operation.

4 Q So you don't recall ever seeing this formulation anywhere  
5 else in any of the other planning materials for the FDNY MSOC  
6 event?

7 A Except for the Word document that we reviewed earlier.

8 Q And never again?

9 A I do not recall.

10 THE COURT: So that flyer that we looked at earlier,  
11 you don't recall seeing that?

12 THE WITNESS: I don't recall seeing it at MSOC at  
13 FDNY. It just doesn't --

14 Q Actually, let's go back to that flyer for a second.

15 THE COURT: Page 4 of 55 on Defense Exhibit D, that  
16 has a photograph and says: MSOC 2013 at FDNY.

17 Are you saying you don't recall seeing this either?

18 THE WITNESS: I don't recall that title  
19 particularly. I mean, I recall the rest of this flyer, but I  
20 don't recall, like, FDNY because it's -- -- you know, I've  
21 always -- my mind referred it as FDNY MSOC. I've never seen  
22 an "at". I don't -- it's the only conference that we did and  
23 I just don't recall that.

24 THE COURT: This is the only conference the FDNY  
25 did?

*Isaacs - cross - Fletcher*

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1 THE WITNESS: Well, Medical Special Operations  
2 Conference that we were doing. Just -- when -- I always  
3 referred to it as FDNY MSOC or just MSOC. I don't recall I  
4 would ever see like, "at". That would not look normal, but I  
5 just can't recall specifically what drafts or what I saw, but  
6 that wouldn't seem appropriate.

7 THE COURT: Well, did you, for example, attend an  
8 MSOC conference at another location --

9 THE WITNESS: No.

10 THE COURT: -- at Florida or anywhere else?

11 THE WITNESS: Never.

12 THE COURT: Never, okay.

13 Q You've never attended an event outside of the FDNY that  
14 was called MSOC?

15 A Correct.

16 Q Okay. Before we get to that, let's keep talking about  
17 this.

18 This flyer from 2013 that says: MSOC 2013 at FDNY.

19 Do you see the very next page, page 5 of 55, it's  
20 got a Bates stamp FDNY 383?

21 A I'm sorry, which page are you referring to, Counsel?

22 THE COURT: Page 5 of 55.

23 THE WITNESS: Okay, I see page 5.

24 THE COURT: It's an email to you and others dated  
25 December 20th, 2013, at 12:47 p.m.

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1 THE WITNESS: Okay.

2 Q Do you see attached is the draft MSOC flyer -- actually,  
3 I should stop.

4 This is an email from you to Jean O'Shea?

5 A Correct.

6 Q Okay.

7 And others?

8 A Correct.

9 Q It appears to attach an MSOC flyer, a PDF?

10 A This wouldn't have been the appropriate flyer, though.

11 Q Okay.

12 So you're saying the flyer we were just looking at  
13 is not the flyer that you sent for approval?

14 A Correct, because this -- if it was in December of 2013,  
15 it would have been for the 2014 conference.

16 Q Okay. Fair point.

17 Just to be clear, though. You did say: Juan, once  
18 again, has done an amazing job; right?

19 A Absolutely.

20 Q Referring to the flyer?

21 A Yes.

22 Q Because he created the flyer for 2014?

23 A He did the first couple years at his request. He offered  
24 to do it, and yes.

25 Q Okay. Thank you.

*Isaacs - cross - Fletcher*

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1                   Let's skip ahead to page 32 of 55 in the same  
2 exhibit.

3       A     Correct, yep.

4       Q     This document begins with the Bates stamp HENR-81 and  
5 continues.

6       A     Okay.

7       Q     Do you see this is -- it says: FDNY MSOC 2015 event  
8 action plan?

9       A     Correct. That Juan created, correct.

10      Q     Juan created this document?

11      A     I believe so, yes.

12      Q     Okay.

13                   And did you review this document at some point?

14      A     I would have looked at it, but we didn't -- we didn't  
15 really use it, so...

16      Q     You didn't use this document?

17      A     Yes, because the event action plan, it was all over the  
18 place, so the chief -- I forgot which chief it was, I believe  
19 it was Chief Pataki maybe, we ended up not using it. That, I  
20 recall.

21                   THE COURT: Well, when you say "event action plan",  
22 are you referring to the document on page 33?

23                   THE WITNESS: Well, Your Honor, I believe that this  
24 was the front page of it, 32. And then 33 would have been the  
25 subsequent pages.

*Isaacs - cross - Fletcher*

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1 THE COURT: Okay.

2 THE WITNESS: It's a multipage document.

3 THE COURT: But you saw it.

4 THE WITNESS: If -- there was an event action plan I  
5 did look at. So, whether it was this specific one, I can't  
6 tell you, but --

7 THE COURT: But you can recall this one the chief  
8 didn't like, Chief Pataki didn't like it?

9 THE WITNESS: I believe it was Chief Pataki didn't  
10 like it.

11 THE COURT: You recall specifically with regard  
12 specifically to this particular EAP draft?

13 THE WITNESS: Correct.

14 THE COURT: How do you recall that.

15 THE WITNESS: Because I was in the HAZTAC training  
16 office at the fire academy and he was reviewing it --

17 THE COURT: My question is geared to this particular  
18 draft that starts at page 32 and continues.

19 THE WITNESS: I can't say this particular draft, but  
20 Chief Pataki ended up developing his own.

21 THE COURT: Okay.

22 This is not Chief Pataki's draft?

23 THE WITNESS: A lot of stuff again, that we did --

24 THE COURT: Do you know if this is Chief Pataki's  
25 draft?



*Isaacs - cross - Fletcher*

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1 THE WITNESS: No, it is not.

2 THE COURT: Okay.

3 Is this Mr. Henriquez's draft?

4 THE WITNESS: It would look like it.

5 THE COURT: Thank you.

6 Q Were there multiple forms of event action plans for the  
7 MSOC conference?

8 A Correct.

9 Q In any event, we're looking at -- if I look at the second  
10 page of this, do you see at the top it's highlighted: MSOC  
11 2015 at FDNY?

12 A Yes, I see that highlighted.

13 Q Okay.

14 But you don't recall ever seeing that?

15 A No.

16 Q Okay.

17 But did you participate in Chief Pataki's decision  
18 to write another EAP for the 2015 event?

19 A I start working with him, but I was busy with other  
20 responsibilities and left it up to him.

21 Q So -- but it's fair to say that someone reviewed this  
22 document, assuming that this was created by Mr. Henriquez,  
23 someone reviewed Mr. Henriquez's document and decided that it  
24 didn't do what they wanted it to do?

25 A Correct. You are missing -- this -- the document that

*Isaacs - cross - Fletcher*

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1 you provided shows information, but in terms of the actual  
2 operational part here, you're missing the rest of the pages.

3 Q Right. I know. I created this exhibit, so --

4 A I understand, but you are missing the operational part.

5 Q So if we look at 46 of 55 --

6 A Yes.

7 Q -- does that page reflect the beginning of the  
8 operational part or what you are calling the operational part?

9 A I believe so.

10 Q Okay.

11 Back up for a second. If we back up to page 14  
12 of 55.

13 A Okay.

14 Q Do you see how this is the first page of a number of  
15 pages for the 2014 FDNY MSOC EAP?

16 A Yes, and -- yes.

17 Q And this was created by Juan Henriquez?

18 A Except for the -- for page 14, yes, but the following  
19 page, I would have written.

20 Q The medical plan page?

21 A The description.

22 Q Okay.

23 But everything else in this document was written by  
24 Mr. Henriquez?

25 A On page 14?

*Isaacs - cross - Fletcher*

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1 Q Apart from the page that you wrote.

2 A I would have to look through this, sir, but a lot of the  
3 documents -- can you give me an opportunity, just a minute to  
4 look it through this?

5 (Pause.)

6 THE COURT: Just for clarity of the record: Page 15  
7 of 55 is created by Dr. Isaacs, correct? Is that what he  
8 said? He's referring to page 15 of 55?

9 MR. FLETCHER: No, I think he said 15 of the  
10 personal pagination.

11 THE WITNESS: The description I would have written.

12 MR. FLETCHER: I think he's saying 28 of 55 --

13 THE WITNESS: No, sir.

14 THE COURT: 15 of 55, description --

15 THE WITNESS: Yeah. Welcome to the FDNY Medical  
16 Special Operations Conference.

17 THE COURT: Did you want to continue your review, or  
18 have you finished?

19 THE WITNESS: Thirty seconds, please. I wrote the  
20 medical plan.

21 THE COURT: Page what?

22 THE WITNESS: 29 of 55.

23 THE COURT: Okay.

24 Q Sorry, was that 28 of 55?

25 THE COURT: 29.

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1 THE WITNESS: 28 of 55.

2 THE COURT: 28, okay.

3 THE WITNESS: That's the medical plan.

4 THE COURT: Okay. Thank you.

5 THE WITNESS: The information for this would have  
6 been provided to him.

7 Q But apart from the parts that you just said you prepared,  
8 your best recollection is that Mr. Henriquez prepared this  
9 document?

10 A Provided all the information that he was given.

11 Q By who?

12 A Myself, operations, others, people who handle logistics.

13 Q So let's skip ahead to 46 of 55, again, the 2015 EAP  
14 page.

15 A Yes.

16 Q Would this have just been the cover page, like the  
17 document we were just looking at, and then it would have been  
18 followed by a number of pages that would have made up the  
19 operational portion of the EAP?

20 A Yes. It says page 1, so that would look appropriate.

21 Q And then if we can skip ahead to 51 of 55.

22 A Yes, are you referring to the FDNY MSOC 2016?

23 Q Yes. That was the EAP for the 2016 event, or the first  
24 page of it?

25 A Correct.

*Isaacs - cross - Fletcher*

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1 Q Do you see at the bottom it says: Prepared by Juan  
2 Henriquez?

3 A Yes.

4 Q And the next page, if you turn over to one next page, you  
5 see 52 of 55.

6 A 52 of 55?

7 Q Yes.

8 A Yeah.

9 Q You see that says: MSOC -- FDNY MSOC 2017 event action  
10 plan?

11 A Yes. On top of 52 of 55, correct.

12 Q Then the next page 53 of 55, you see again it says: MSOC  
13 2017 at FDNY?

14 A Again, I don't recall seeing it in that form.

15 THE COURT: Do you recall seeing anything else about  
16 the document?

17 THE WITNESS: I would have to look at it.

18 THE COURT: Please, do.

19 MR. FLETCHER: That's the rest of the document, I  
20 believe, Your Honor. That's been included here. I -- in  
21 order not to submit hundreds of pages of exhibits, I cut off  
22 some of the exhibits.

23 THE COURT: I understand, but he said he doesn't  
24 recall this page or this document.

25 THE WITNESS: I can't recall the documents, but,

*Isaacs - cross - Fletcher*

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1 again, referring to 53 of 55, I don't recall us using that  
2 term MSOC 2017 at FDNY. It's not consistent as you see some  
3 of the other documents when we say FDNY MSOC and the year.

4 Q But do you recall ever seeing this document or seeing  
5 documents that look like this?

6 A Certainly similar. I can't say this specific document,  
7 but similar.

8 Q Okay.

9 Let's turn one more page.

10 A Are you referring to the FDNY MSOC 2017 --

11 Q Correct.

12 A Okay. Yes.

13 Q And you see at the bottom also prepared by Juan  
14 Henriquez?

15 A Yes, I do.

16 THE COURT: Page 54?

17 MR. FLETCHER: Yes, Your Honor.

18 Q So Juan Henriquez was preparing these EAPs every year;  
19 correct?

20 A I believe this may have been the last year he did it.

21 THE COURT: Well, that wasn't the question.

22 THE WITNESS: Oh, yeah, for the previous years,  
23 yeah. This year and previous, yes.

24 Q Okay.

25 And he did that at your request; right?

*Isaacs - cross - Fletcher*

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1 A No. He offered.

2 Q Okay.

3 And you said: Yes, please do it?

4 A Yes. I mean, he wanted to do it and...

5 Q So as the point-person for the FDNY, you said: Yes,  
6 please prepare an EAP?

7 A Correct.

8 Q Now, you previously said that -- I forget his name. Was  
9 it Chief Pataki?

10 A That was only one year. The chiefs changed every year in  
11 terms of who was assigned by EMS operations to be, what we  
12 call, the medical branch director for the event. It's the  
13 EMS -- senior EMS operations officer kind of running the  
14 actual operations.

15 Q So it was only one year that Mr. Henriquez's EAP was not  
16 used; correct?

17 A Actually, most of the years we did not use it.

18 Q But you asked him to produce it. You said yes, please  
19 produce it?

20 A Yes -- well, he offered, but yes.

21 Q Okay.

22 And we've seen a couple years he apparently gave  
23 them to you -- I don't -- you received the documents; right?  
24 He gave them to you, he said: Hey, I'm going to do this. You  
25 said: Please do it. He gave you the documents?

*Isaacs - cross - Fletcher*

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1 A We all kind of -- yes. We all kind of did it, yes.

2 THE COURT: Would you then pass those on, or would  
3 you make changes to it before you passed it on for -- up the  
4 ranks for approval?

5 THE WITNESS: Others would have eyes on it, and  
6 operations would have looked at it.

7 THE COURT: How did they get it? Did you pass it  
8 on, or did Mr. Henriquez give it directly to those people?

9 THE WITNESS: I can't recall. However, if I did  
10 send it, I would cc Juan on it.

11 THE COURT: Okay.

12 Do you know --

13 THE WITNESS: I don't know if I directly did it or  
14 Juan.

15 THE COURT: Did you give authority to Juan to send  
16 it directly to your superiors or the Foundation?

17 THE WITNESS: Well, they wouldn't be -- operations  
18 is not in charge of, like, my office.

19 THE COURT: Okay.

20 Did you give authority to Mr. Henriquez to pass his  
21 EAP directly to the people in the FDNY or foundation who had  
22 to approve it?

23 THE WITNESS: To EMS operations, yes. They were the  
24 ones he would forward it to, if I asked him to; correct.

25 THE COURT: All right.



*Isaacs - cross - Fletcher*

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1           So if you got it and Mr. Henriquez did not send it  
2 on to others, would you be the person to send it on to the  
3 Foundation or the chiefs in the FDNY who had to approve it?

4           THE WITNESS: So I could have given -- I can't  
5 recall -- if I would have done it directly or I could have  
6 told him hey, you can go ahead and forward that. I can't  
7 recall to that detail.

8           THE COURT: When Chief Pataki said he had issues  
9 about the EAP that Mr. Henriquez drafted, were any of his  
10 criticisms directed specifically at the nomenclature used?  
11 And by that I mean whether it was FDNY MSOC 2015 EAP or MSOC  
12 at FDNY 2015 EAP.

13           THE WITNESS: I can't recall specifically, but I  
14 know -- sorry, I recall specifically regarding the actual  
15 operational plan.

16           THE COURT: Okay.

17           Thank you.

18 Q       Let's look at another exhibit. Could you turn to  
19 Exhibit F, please.

20           MR. FLETCHER: Actually, Your Honor, can I ask you a  
21 logistical question about our timing today?

22           THE COURT: I would like to keep going.

23           MR. FLETCHER: I'm not asking to take a break right  
24 now.

25           THE COURT: Okay. Well, the most important person

*Isaacs - cross - Fletcher*

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1 on that score is our court reporter.

2 How do you feel about a lunch break? Would you like  
3 to have one now, ma'am?

4 THE COURT REPORTER: I can wait a little bit, Judge,  
5 if you want to keep going.

6 MR. FLETCHER: I would prefer to keep going. I  
7 know, Your Honor, the Court has a hearing at 3:00, so I just  
8 want to make sure we build in time for all of these things.

9 THE COURT: Well, it will only be a short hearing.

10 MR. FLETCHER: So maybe we should keep going for a  
11 little while and then take a break?

12 THE COURT: As long as our court reporter is fine  
13 with it, I'm fine with it.

14 (Pause in the proceedings.)

15 THE COURT: Okay. Fifteen more minutes. You do not  
16 have to finish then, but we will take a break at that time. I  
17 hope you will finish by then, but if you do not, you do not.

18 MR. FLETCHER: I wish.

19 THE COURT: Okay, I do, too.

20 Q Let's look at Exhibit F, Dr. Isaacs.

21 This is the -- the first part of this exhibit is  
22 Bates stamped HENR-231.

23 Do you see this is an email from Mr. Henriquez's  
24 personal email account to your personal email account on  
25 October 9, 2014?

*Isaacs - cross - Fletcher*

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1 A Correct.

2 Q Okay.

3 So this was after the 2014 conference and before the  
4 2015 conference; right?

5 A Correct.

6 Q Now, do you see the very first line: FDNY MSOC 2015 must  
7 happen?

8 A Yes.

9 Q Now, the reason Mr. Henriquez is telling you that is  
10 because you had told them that the Foundation at FDNY were  
11 reluctant to continue holding the conference; right?

12 A Reluctant in the lack of -- I felt, at that time, lack of  
13 support. And also, Juan not responding to me for quite some  
14 time.

15 Q So the FDNY was reluctant to hold the conference between  
16 Juan -- because Mr. Henriquez was not responding to you?

17 A No. But for me, the amount of work I do, it was a  
18 tremendous amount of work. It was overwhelming for me. And,  
19 again, this is something I enjoyed doing with my close friend.  
20 You know, he -- and he was not responding to me and -- and so  
21 also, I just felt sometimes lack of support from a lot of  
22 areas including, at the time, the Foundation. I felt, you  
23 know, I needed more resources.

24 Q So you had a conversation with the Foundation earlier  
25 that summer where Jean O'Shea said: We're not making enough

*Isaacs - cross - Fletcher*

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1 money with this event.

2 Right?

3 A I don't recall that conversation. That possibly could  
4 have been just the cost. I don't know all the cost involved.  
5 The Foundation can answer that part. You know, but just like  
6 with anything, I'm human, it's a lot of work on top of all my  
7 other responsibilities, and I really spend hundreds and  
8 hundreds and hundreds of hours every year working on this  
9 conference.

10 Q Okay.

11 So it felt like a big burden for you; correct?

12 A It's a lot of work, yes.

13 Q And you're also -- you work in the ER as well, is that  
14 correct?

15 A That is correct.

16 Q So it's a lot of work for you personally?

17 A Yes. Fair to say.

18 Q Before Mr. Henriquez sent you this email, you had told  
19 him that the Foundation wasn't sure it wanted to keep doing  
20 the event; right?

21 A I can't recall my specific conversations, but it -- I  
22 can't recall. That may have been the case. It sounds  
23 appropriate.

24 Q Jean O'Shea did express reservations about the event;  
25 right?

*Isaacs - cross - Fletcher*

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1 A She was supportive, but she stressed, I guess, concerns.

2 Q That the event was not profitable enough; correct?

3 A I'm not sure about the profits because I didn't know what  
4 the cost was. I don't see that side.

5 Q That's not what I asked you.

6 I said: Jean O'Shea told you that the event was not  
7 profitable enough for the Foundation; correct?

8 A That could have been the case, yes.

9 Q Jean O'Shea told you that there needed to be more  
10 marketing for the event; correct?

11 A I'm not sure about the marketing, but I don't know what  
12 changes she recommend, I haven't had a chance to review emails  
13 from her, but she could have made suggestions that would be  
14 appropriate, I guess.

15 Q And then in October 2014, this email, Mr. Henriquez tells  
16 you: FDNY MSOC 2015 must happen.

17 Right?

18 A Yeah.

19 Q So he pushed to make the conference happen that year  
20 because you were feeling overburdened?

21 A So you have to put it in context again --

22 Q It's a yes or no question, sir.

23 A He didn't push me to do it. That wasn't his decision to  
24 do it. He wanted to see the conference happen.

25 Q Okay.

*Isaacs - cross - Fletcher*

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1 And he says: I've been working on it and everything  
2 should be done two weeks from now.

3 Right?

4 A I have no idea what that meant.

5 Q And: The site will be up on Monday and flyers should be  
6 ready on Tuesday?

7 No idea what that means?

8 A Well, it's pretty evident. You know, if the site is  
9 going up and the flyers, yes.

10 Q This image --

11 A Yes.

12 Q -- that we're looking at --

13 A Yes.

14 Q -- Medical Special Operations Conference Fire Department  
15 of City of New York.

16 What is this?

17 A We refer to it as a patch. That was developed in 2014.

18 Q By Mr. Henriquez; right?

19 A Yes. While we're at the fire academy, yes.

20 Q Are you familiar with the term -- do you know the word  
21 "rocker"? When it comes to patches, are you familiar with the  
22 term "rocker"?

23 A Yeah, the helmet, correct.

24 Q A rocker is a helmet?

25 A Well, it's a sticker you put on your helmet, I thought.

*Isaacs - cross - Fletcher*

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1 Q Kind of like a patch or a coin or a sticker? Like, it's  
2 a logo --

3 A It's a patch. Those are patches, but rockers are  
4 stickers you put on your helmet.

5 Q Is this the entire sticker, or is it just a portion of a  
6 sticker?

7 A My understanding, it's just a general reference. It  
8 doesn't say how much. It's just rockers we put on our --  
9 stickers on our helmets -- sticker that goes on a helmet.

10 THE COURT: Well, looking at this exhibit, it's  
11 Exhibit F, first page, 1 of 3, that logo, there's a  
12 highlighted word there that says: Coin.

13 THE WITNESS: Yes.

14 THE COURT: Do you understand this to be a patch or  
15 a coin, or is the shape indicative of the word "coin".

16 THE WITNESS: We use it interchangeably because we  
17 make patches into challenge coins, so we kind of use it  
18 interchangeably.

19 THE COURT: Now, the words "Fire Department City of  
20 New York" at the bottom, what is that part of the logo called?

21 THE WITNESS: I'm not sure if it's got a specific  
22 name.

23 THE COURT: Have you ever seen this patch before for  
24 Medical Special Operations Conference with the eagle logo, and  
25 all the other illustrations on there, with the name of another

*Isaacs - cross - Fletcher*

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1 fire department or city or other entity on the bottom?

2 THE WITNESS: The only time I ever recall was with  
3 our conference, because Juan had shown me a draft -- it was  
4 green and white -- and myself and Dr. Lai gave him feedback  
5 during breaks in our class. It was a green and white  
6 picture --

7 THE COURT: Where was this?

8 THE WITNESS: Randall's Island, the fire academy.

9 THE COURT: What year?

10 THE WITNESS: 2014.

11 THE COURT: This was after the first 2013.

12 THE WITNESS: Yeah, this was the final draft that  
13 Juan did the artwork.

14 THE COURT: Is this the first time that there was  
15 such a patch or a coin for the MSOC slash FDNY conference?

16 THE WITNESS: Yeah, 2015 was the first time that we  
17 did a patch, had T-shirts made, challenge coins ordered, yes.

18 THE COURT: Thanks.

19 Q The challenge coins, that kind of like conference swag?

20 A Well, it's not just conference. It started from the  
21 military. A tradition started in the Air Force, what have  
22 you. It was kind of like, mostly respect, whatever, when you  
23 give someone a challenge coin.

24 Q And you wanted to have challenge coins made for the FDNY  
25 MSOC event?



*Isaacs - cross - Fletcher*

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1 A I can't recall the specific conversation, but Juan and I  
2 had discussed it would be fun to have a patch for the  
3 conference and --

4 Q So it was Mr. Henriquez's idea to create challenge coins?

5 A Well, the patch itself, I can't recall if I said I would  
6 have the challenge coins made. I did order them as I had the  
7 T-shirts made. I don't recall about actually making the  
8 challenge coins. I can't remember that conversation. Could  
9 have been. It's plausible. I just can't recall.

10 Q And you never saw Mr. Henriquez wearing a Medical Special  
11 Operations Conference patch featuring similar logo in years  
12 prior to this?

13 A No.

14 Q If we move to the second page of this, you see  
15 Mr. Henriquez writes at the bottom: Website will be final by  
16 Monday.

17 A Okay.

18 Q Did you understand him to be referring to the conference  
19 website for the FDNY?

20 A Seems appropriate, yeah.

21 Q And then he says: I have two versions of the flyer.

22 A Mm-hmm.

23 Q Would that have been the conference flyer?

24 A There was a Spanish version we made -- he made.

25 Q So two versions of the conference flyer; one in English,

*Isaacs - cross - Fletcher*

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1 and one in Spanish?

2 A It could have been that or one for our members of  
3 service, the fire department members. I -- maybe -- that, I  
4 can recall. There was three versions of -- one in Spanish,  
5 one in English, but there was also one with -- for the fire  
6 department members because we gave them special pricing.

7 Q And then Mr. Henriquez says: I just have to speak to two  
8 potential presenters that will bring some international and  
9 military presentations.

10 A Yes.

11 Q Is that the kind of thing that Mr. Henriquez did for this  
12 conference, find presenters to present?

13 A Some of them. The majority I found over the years, but,  
14 yes, that would be appropriate.

15 Q You found the majority of the conference presenters over  
16 the years?

17 A Huh?

18 Q You found the majority of the conference presenters over  
19 the years?

20 A Yes.

21 Q And then the next page at the top: I will show you the  
22 schedule with topics.

23 A Yes.

24 Q Mr. Henriquez is referring to an FDNY MSOC conference  
25 schedule?

*Isaacs - cross - Fletcher*

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1 A I'm sorry. Are you talking about the 3 of 3?

2 Q At the top of 3 of 3, yes.

3 A Yes.

4 Q And that goes along -- sorry. You also sought outside  
5 media coverage of these events from JEMS, the Journal of  
6 Emergency Medical Services?

7 A JEMS, yeah, EMS World. Multiple ones.

8 Q A.J. Heightman is a responsible person at JEMS, is that  
9 correct?

10 A I believe his title was editor-in-chief.

11 Q Did you introduce Mr. Henriquez to the individuals -- to  
12 A.J. Heightman and others as one of the key individuals  
13 responsible for this conference?

14 A Any article -- I can't remember specific, but any article  
15 I -- Juan and others, I would always promote because I  
16 appreciate the work they do.

17 Q That's not what I asked you, sir.

18 A I would have introduced Juan as certainly one of the  
19 people that helped plan it, correct.

20 Q Would you have included other people from the FDNY on an  
21 email like that or only Juan?

22 A I don't recall who I would include on the email. I don't  
23 recall specifically of any conversations, so...

24 Q So let's turn back in this exhibit to page 9 of 55.

25 A Okay.

*Isaacs - cross - Fletcher*

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1 Q This is Bates stamped FDNY-393.

2 A Please give me one second, please.

3 Q No problem.

4 A Let me, please, read it.

5 Okay.

6 Q You see this is an email from yourself to a number of  
7 people, all of whom I believe, other than Mr. Henriquez,  
8 appeared to be outside of the FDNY; is that correct?

9 A These would have been, I believe, folks from JEMS. They  
10 are the company PennWell.

11 Q PennWell owns JEMS?

12 A Yes.

13 Q This email is dated March 2014; right?

14 A March 13th, 2014.

15 THE COURT: Sorry, is this Exhibit F or some other  
16 exhibit?

17 MR. FLETCHER: I apologize, Your Honor. We're on  
18 Exhibit D. I may have -- we're moving around a lot.

19 THE COURT: Exhibit D, page 9 of 55?

20 MR. FLETCHER: Yes, Your Honor.

21 THE COURT: Gotcha. Thank you.

22 Q So you begin this email: Thank you for your support.

23 And then you're speaking, I gather, to the folks  
24 from JEMS for the: Thank you for your support?

25 A Give me one second, please.

*Isaacs - cross - Fletcher*

513

1           The only name I can recall was A.J. Heightman, which  
2 was the second one next to Bill Carey.

3       Q     But you composed this email.

4           So you sent it to a lot of people; right?

5       A     It may have been a response from A.J. Heightman, but --  
6 yes, it looks like I wrote this email.

7       Q     And do you see in this email to a bunch of folks at an  
8 outside medical journal -- which was covering the conference;  
9 right?

10      A     Right. They wrote an article, I believe.

11      Q     Do you see the highlighted portion: I included Juan  
12 Henriquez, one of our senior rescue medics and USAR medical  
13 specialist, who has been instrumental in the development of  
14 this conference in making it the success it has become.

15      A     Yes.

16      Q     Do you see that?

17      A     Yes.

18      Q     So of all the people at the FDNY who were working on this  
19 event, you credited Mr. Henriquez to a group of journalists  
20 outside of the fire department as the person who has been  
21 instrumental in developing the conference.

22      A     Yes. I -- yes.

23      Q     Do you have a military security clearance?

24      A     Do I? I do not.

25      Q     You do not.

*Isaacs - cross - Fletcher*

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1 Do Mr. Hernandez and Mr. Henriquez have military  
2 security clearance, to your knowledge?

3 A They both did not serve in the military, that I recall,  
4 so no.

5 Q That's not the question.

6 Do you know whether they have clearance to obtain  
7 documents?

8 A I do not know that.

9 Q And you don't know whether they ever provided you  
10 materials from military sources that they may have been  
11 allowed to provide you, but that you did not have access to  
12 personally?

13 A I don't know.

14 Q But they provided you a lot of materials; right?

15 A As I did to them, yes.

16 THE COURT: What materials did you provide to them,  
17 being Hernandez and Henriquez?

18 THE WITNESS: You have to remember, this conference  
19 is one thing. We all work in the USAR environment, Urban  
20 Search and Rescue, so there's a lot of presentations I  
21 prepared, materials, or maybe medical articles. So, they were  
22 good friends, so we exchanged things all the time.

23 THE COURT: And this was in relation to the  
24 conferences that you were planning with Mr. Henriquez?

25 THE WITNESS: Well, it was just -- when we exchanged

*Isaacs - cross - Fletcher*

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1 stuff, it was just in general, but also it would have been  
2 stuff for the conference, so both. It wasn't, say, specific  
3 to the conference, but it could have been to other activities.

4 THE COURT: Involving EMT work and --

5 THE WITNESS: The USAR environment. It's a unique  
6 body of medicine, so...

7 THE COURT: Thank you.

8 Q Did you know that Mr. Henriquez and Mr. Hernandez were  
9 organizing Medical Special Operations Conference events  
10 outside of the FDNY?

11 A No.

12 Q You had no idea?

13 A The only thing I recall was the Medical Team Specialist  
14 courses.

15 Q An MTS course.

16 A Course, correct.

17 Q That was a FEMA course that was offered by DMS?

18 A Yes. They were one of -- yes, the FEMA course; correct.

19 Q Are you allowed to have -- or is someone who hosts a FEMA  
20 MTS course allowed to have outside vendors contribute to that  
21 course? If you know.

22 A You mean equipment or -- can you be more specific for me,  
23 please?

24 Q Are you allowed to have a conference hall with vendors  
25 outside of your MTS course?

*Isaacs - cross - Fletcher*

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1 A Well, are you referring specifically to ours or just in  
2 general? I just want to be able to --

3 THE COURT: He was specifying the FEMA-related --

4 A Generally, we do not have vendors during a Medical Team  
5 Specialist course.

6 Q And that's because FEMA doesn't allow it; right?

7 A That would not be appropriate.

8 Q Because it would be vendors influencing a federal  
9 FEMA-sponsored activity; correct?

10 A Yes, it could be perceived as that; correct.

11 Q But with the MSOC event, you could have vendors; right?

12 A We only had vendors -- a vendor exhibit after the course  
13 was over.

14 Q But you could have vendor exhibits in connection with the  
15 MSOC events; right?

16 A Conference. Specifically conference.

17 THE COURT: Is this a good time for a lunch break  
18 for the court reporter and for counsel?

19 MR. FLETCHER: Let's do -- can we do one more set?  
20 I think ten minutes, tops, or do you want to go now?

21 THE COURT: Well, 15 minutes ago she said 15 more  
22 minutes.

23 MR. FLETCHER: Your call.

24 THE COURT: I really defer to the court reporter on  
25 this because your fingers are the ones doing the hard work



*Isaacs - cross - Fletcher*

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1 here.

2 THE COURT REPORTER: That's fine, 15 more minutes.

3 THE COURT: Fifteen?

4 MR. FLETCHER: I think we can go -- I just have --

5 THE COURT: All right. Fifteen more minutes.

6 MR. FLETCHER: There's a logical breaking point in  
7 there.

8 THE COURT: Okay.

9 Q So you had no idea that they were outside medical special  
10 operations courses; right? You just said that.

11 A Medical Special Operations Conferences.

12 Q Conferences.

13 A Yes.

14 Q You had no idea that there was anything called MSOC  
15 happening outside of the Fire Department of New York; right?

16 A Not until 2019.

17 Q Okay.

18 So 2015 you went to Palm Beach and taught a course  
19 at the Palm Beach Fire Rescue; right?

20 A Correct.

21 Q And you had no knowledge that that was called an MSOC?

22 A No. I only knew it as a West Palm Beach class that Joe  
23 Hernandez asked me to speak on my area of expertise.

24 Q You just thought it was an MTS course?

25 A No, it wasn't an MTS course.

*Isaacs - cross - Fletcher*

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1 Q It was just a class that Joe asked you to speak about --

2 A I have a presentation that Joe has seen me -- asked me to  
3 present a lecture, and, as a friend, I went down there and did  
4 him a favor.

5 Q And no knowledge that it was called MSOC?

6 A No.

7 Q Okay.

8 Let's look at Exhibits R, shall we?

9 A Sure.

10 Q So you see this is an email from Joe Hernandez to  
11 Mr. Henriquez, you, your personal email, and then there's  
12 LewisDMT@gmail.

13 Is that Louis Cook?

14 A That is Louis Cook.

15 Q He's the HAZTAC commander?

16 A Not any longer. I don't think he is at that time. He  
17 left the department.

18 Q In 2015?

19 A I don't know what year he retired, but he was working for  
20 them, for DMS, but -- I believe at that time he was retired.

21 Q Okay.

22 But he had been involved -- he was also involved in  
23 one of the earlier FDNY events I think we saw --

24 THE COURT: We've been begging you repeatedly not to  
25 interrupt the question.

*Isaacs - cross - Fletcher*

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1 Q Louis Cook was involved in, you said, a skill station at  
2 one of the first MSOC events at the FDNY?

3 A Yes, a hazmat skills station.

4 Q Okay.

5 Before 2015.

6 A Correct.

7 Q And at the time he was still, you believe -- you recall  
8 that he was still employed and not yet retired? When he did  
9 the skills station.

10 A Well, as skills station, he was the captain of the HAZTAC  
11 battalion that first year 2013.

12 THE COURT: For the FDNY?

13 THE WITNESS: Correct. 2013.

14 Q And now we're in January 2015, but you don't know whether  
15 Louis Cook was still there or had retired?

16 A I believe he retired by then.

17 Q Okay.

18 Do you see the title of this email is: Palm Beach  
19 MSOC?

20 A Yeah. I do not recall seeing anything with Palm Beach  
21 MSOC.

22 Q You received this email, right? It's got your personal  
23 email address?

24 A That is my email address.

25 Q Okay.

*Isaacs - cross - Fletcher*

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1 The DAIsaacs74@gmail?

2 A That is correct.

3 Q At some point you moved from AOL to Gmail or did you keep  
4 both email addresses?

5 A I've kept both, but I migrated as much as I could to  
6 Gmail.

7 Q So you received an email -- this was January.

8 The Palm Beach event that you taught at was in March  
9 or April of that year; is that fair to say?

10 A Um...

11 Q It's not in front of us. I'm just asking if you recall.

12 A I recall, I believe, it was around March of that year.

13 Q So this was January -- end of January, and you got an  
14 email from Joe Hernandez who asked you to teach a course in  
15 Palm Beach titled Palm Beach MSOC.

16 Did you read this email?

17 A I don't recall the title. I do recall some of the  
18 content of the email.

19 Q Okay.

20 So let's talk about the content.

21 A Sure.

22 Q It appears that Joe Hernandez is talking about -- well,  
23 he's talking about a DMS US&R or FDNY rescue medic program  
24 being brought to other small cities; right?

25 Is that referring to sort of -- some sort of rescue

*Isaacs - cross - Fletcher*

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1 medic protocol?

2 A No. It's referring to our FDNY rescue paramedic program  
3 for which I was the medical director or -- and still am.

4 Q It also refers to DMS's US&R program; right?

5 A Right. Can I expand on that or...

6 Q Nah.

7 A Okay.

8 Q Sorry, that was not terribly respectful.

9 Please, don't.

10 THE COURT: The word is: No.

11 Q You see that Joe Hernandez refers in the second line to  
12 saying: Hey, maybe we should call this new course that we're  
13 going to do: MSOC medic.

14 Do you see that?

15 A Okay.

16 Q Did you see that when you first received this email?

17 A It does vaguely sound familiar.

18 Q Okay.

19 So you see Joe Hernandez is talking about calling  
20 something unaffiliated with the FDNY MSOC, right?

21 MR. MACKIE: Objection, Your Honor, I believe he's  
22 mischaracterizing the document. It speaks for itself.

23 THE COURT: All right.

24 Well, do you see that Joe Hernandez uses the term  
25 "MSOC medic".

*Isaacs - cross - Fletcher*

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1 THE WITNESS: Yes.

2 Q And he's not talking about the MSOC FDNY conference;  
3 right?

4 A No.

5 I could tell you what he's referring to.

6 Q What's he referring to?

7 A He was looking to take the rescue paramedic program and  
8 monetize it through DMS and teach it around the country. The  
9 program that I developed.

10 Q Well, he's talking about an FDNY program, but also a DMS  
11 program; right?

12 A No, DMS is a company. He was specifically talking about  
13 the rescue paramedic program.

14 Q Joe Hernandez isn't affiliated with the FDNY; right?

15 A That is correct.

16 Q So why would Joe Hernandez think that he could use the  
17 acronym MSOC on a program that he was going to take around the  
18 country unaffiliated with the FDNY?

19 A Well, I think he was asking the question.

20 Q So he thought you could give him permission to call it  
21 MSOC medic?

22 A It's friends discussing ideas. I assume this is how this  
23 email reads.

24 Q Do you believe the FDNY owns the acronym MSOC?

25 A It's a generic name. I don't think anyone owns MSOC.

*Isaacs - cross - Fletcher*

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1 Q You don't think it can be owned?

2 A No. It's a generic -- medical special operations. It's  
3 a ubiquitous term. We've been calling ourselves medical  
4 special operations since I've been in the rescue paramedic  
5 program.

6 Q Have you ever seen the acronym MSOC used before these  
7 conferences started?

8 A I saw it as a private business that was unrelated to fire  
9 and rescue services when I Googled it.

10 Q You saw something called --

11 A But it was unrelated to -- it was just MSOC, but it was a  
12 business name --

13 Q Prior to 2013?

14 A When I was looking up the name; correct.

15 Q So you did a Google search for the name MSOC before 2013?

16 A Well, twenty -- 2012 when I was looking up, you know,  
17 coming up with, thinking about names and what have you and I  
18 was just seeing if there's anything out there. Same as Juan.  
19 He looked, too.

20 Q And so you did a Google search and you came up with the  
21 idea MSOC; right?

22 You came up with that name?

23 A The Medical Special Operations Conference, yes.

24 Q And the acronym; right?

25 A Well, we just made it called MSOC. I just -- like FDNY,

*Isaacs - cross - Fletcher*

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1 it's Fire Department of New York called FDNY.

2 Q So you came up with the idea for both of those; right?

3 A Yeah.

4 Q Okay.

5 And then, you did a Google search to see if anyone  
6 else was using them in 2012?

7 A Yes.

8 Q And you found one business; is that right?

9 A I saw something that was unrelated to anything and I  
10 vaguely remember it, and I don't know if they said MSOC, but  
11 it was something similar to along those lines.

12 Q You found something called MSOC unrelated to the entire  
13 field of urban search and rescue medicine; right?

14 A Nothing related to fire. Nothing related to medical,  
15 fire, EMS. It was -- it was -- it was unrelated to our field  
16 of emergency services.

17 Q Okay.

18 Are you aware of the name Medical Special Operations  
19 Conference ever being used prior to your events?

20 A No.

21 Q You also taught an event in 2018 Ocala, Florida; correct,  
22 for Joe Hernandez?

23 A Yes, Medical Team Specialist course; correct.

24 Q And you don't recall that also being branded MSOC, or  
25 being associated with an MSOC event?



*Isaacs - cross - Fletcher*

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1 A No, it was a FEMA course.

2 Q Let me ask you a question.

3 Joe Hernandez contributed a whole lot to the FDNY  
4 MSOC event, right? We looked at all the instructors he  
5 brought in.

6 A I would not agree with that comment, sir.

7 Q Okay.

8 We looked at all the instructors that Joe Hernandez  
9 previously brought in; right?

10 A I never said he contributed all those instructors.  
11 That's not correct.

12 Q He facilitated your relationships with those instructors;  
13 right?

14 A I believe some of them, but not all of them. And that  
15 was for the first year, yeah, first year or two.

16 Q And you asked Joe for input into topics and lectures and  
17 presenters for these conferences?

18 A Him and others throughout the country.

19 Q Not my question.

20 A Yes.

21 Q You asked Joe --

22 A Absolutely, I asked him his input.

23 Q And Joe Hernandez brought you down to speak at a couple  
24 of events in Florida 2015, 2018? I understand they weren't  
25 called MSOC --

*Isaacs - cross - Fletcher*

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1 A I know, but he spoke at the class. The other one I was  
2 an instructor for his federal class. Or course.

3 Q So for one of those you got paid; right?

4 A Well, as a FEMA instructor; correct.

5 Q And the testimony is a little confused right now, but we  
6 looked at an email where you asked for Joe Hernandez's MSOC  
7 contact list.

8 I know you don't recall that email.

9 A That is correct, yeah.

10 Q You may have given some testimony about wanting state  
11 contacts.

12 A SUSAR, yes.

13 Q So here's my question.

14 A Sure.

15 Q Did you think that Joe Hernandez was giving you all of  
16 this support to help the FDNY?

17 A As my friend, and, yes, as part of FDNY, absolutely. As  
18 my friend, as I help him, helped Juan. These -- these -- not  
19 just acquaintances, these were my goods friends, especially  
20 Juan. He was one of my closest friends. Or at least I  
21 thought he was.

22 Q So these were your friends who were just helping your  
23 career out of the goodness of their heart.

24 A My career? I don't put my name on anything. I do it for  
25 the love of the field. I'm very passionate about it. I give

*Isaacs - cross - Fletcher*

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1 my whole life to this. So when you say that, it's like --  
2 I -- this is what I do all the -- I work almost seven days a  
3 week.

4 So Juan's passionate about it. Joe is. These are  
5 my good friends that I became close over the years, along with  
6 others, like Michael Kurtz, and others. And so we do it for  
7 the love of the field. We're very passionate about it. And  
8 I -- I don't think anyone can outwork me. I've been -- I work  
9 almost seven days a week. And so one of your emails that you  
10 refer to when Juan is like: Oh, this must happen.

11 Because I was angry. I didn't feel I was getting  
12 support. I was overwhelmed. He wasn't being responsive, and,  
13 at some point, you know, I'm human, like everyone else, and I  
14 was hesitant to move forward.

15 Q Okay.

16 And so my question is: You believed that  
17 Mr. Henriquez and Mr. Hernandez were providing you all of this  
18 support just to help the FDNY and to help you put on this  
19 conference? That's a yes or no question.

20 A Yes.

21 MR. FLETCHER: Okay. This is probably a good time  
22 to break for lunch.

23 THE COURT: All right. Let's take a break.

24 You can step off.

25 (Witness steps down.)

1 THE COURT: How much time does everybody need? I  
2 would like to take as little as possible.

3 I do have a 3:00 o'clock criminal conference, so we  
4 could start and then just take a quick ten minutes for the  
5 conference. It's just a status.

6 MR. FLETCHER: That's fine with me, Your Honor.  
7 However the Court wants to do it.

8 MR. MACKIE: That's fine for us, Your Honor.

9 THE COURT: So how about, it is now seven minutes  
10 after 2:00. Shall we return at 20 of the hour? 2:40? Half  
11 an hour?

12 MR. FLETCHER: That's great, Your Honor.

13 THE COURT: All right. Perfect. Half an hour.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Nice to see you.

16 (Lunch recess taken.)

17 (Continued on next page.)

18

19

20

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25

A F T E R N O O N   S E S S I O N

(In open court.)

THE COURT: Let's proceed.

We should briefly also discuss a scheduling issue.

I have a three o'clock criminal conference. Tomorrow I have three matters -- criminal cases and a civil case. Friday looks the same, sentencing and some matters. I am concerned about the pace of this hearing. I would like to be able to issue my decision. I understand that there's planning going on by the plaintiffs probably -- although I don't know for sure, because I haven't heard -- using the contested mark and I also understand that the parties have ordered the transcript on a 30-day time frame.

I will say that they bare the risk that my decision will come at a time when it may be very inconvenient for the parties to reassess their positions vis-à-vis my decision in the context of the ongoing planning for the 2023 conference. And I don't know how the parties want to deal with that, but I'm only going to be able to go as fast as you go.

MR. FLETCHER: Your Honor, with --

THE COURT: You collectively.

MR. FLETCHER: -- with respect to the hearing, I don't know that I'm intending to call any other witnesses after Dr. Isaacs.

THE COURT: Okay.

*Proceedings*

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1 MR. FLETCHER: So if we're ability to finish with  
2 Dr. Isaacs today, then I think we're done with testimony.

3 THE COURT: Are the parties going to want  
4 post-hearing submissions or not?

5 MR. FLETCHER: I have submitted a whole lot of  
6 briefing. I don't know about the City.

7 MR. MACKIE: I don't think that we'll require  
8 post-hearing submissions, Your Honor.

9 THE COURT: All right. I mean, primarily I'm here  
10 to listen to the testimony and make credibility determinations  
11 where there's a disagreement among the parties about what  
12 happened and who said what to whom, et cetera. So that's, you  
13 know, been helpful to have this hearing, and I want to thank  
14 everybody for appearing here who did testify, so let's  
15 continue, then.

16 MR. FLETCHER: Your Honor, if I can just ask a  
17 question. Do you have any sense of what -- like, when we  
18 might be able to expect a decision on this motion, or --

19 THE COURT: I start a three-week trial Monday in a  
20 criminal case, and I have three other trials that are  
21 currently in the process of being briefed for post-trial  
22 motions -- civil cases -- so I cannot tell you when, but I'm  
23 certainly going to do it -- do my best to try to reach a  
24 decision on this before the conference.

25 I mean, I don't want to say right now what my

*Isaacs - cross - Fletcher*

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1 initial feelings are, especially since we have a witness on  
2 the stand, and which way I think the decision will go. I may  
3 have more latitude to do this after the witnesses are  
4 finished.

5 Just to let the parties know where I'm headed, or  
6 think I'm headed, and whether they want to have a last-ditch  
7 attempt to try to resolve this, otherwise I will make the  
8 decision. I've been urging the parties to try to resolve it.  
9 I know that you've all tried. I have to say that there are  
10 many troubling things that have come out to my attention  
11 regarding the issues in this case.

12 So I'm sorry I can't be more specific. I'm just  
13 telling you that it's been very busy.

14 MR. FLETCHER: Understood, Your Honor. We're  
15 obviously here at the Court's convenience, so we appreciate  
16 that.

17 THE COURT: All right. Do you want to resume, sir?

18 MR. FLETCHER: Yes, please.

19 BY MR. FLETCHER:

20 Q Dr. Isaacs, did you ever have any conversations with  
21 Mr. Henriquez where Mr. Henriquez told you that he expected  
22 FDNY MSOC profits, if there were any, to go back to the HAZTAC  
23 battalion or equipment for first responders and FDNY?

24 A No. That wouldn't be appropriate.

25 Q Did Mr. Henriquez ever tell you that he wanted the

*Isaacs - cross - Fletcher*

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1 conference to be as financially accessible as possible?

2 A No.

3 Q You understand that Mr. Henriquez is a union paramedic;  
4 correct?

5 A Correct.

6 Q And he spends his days riding around in an ambulance, to  
7 your understanding; is that fair to say?

8 A Most of the time.

9 Q And he doesn't have a computer to work on MSOC -- FDNY  
10 MSOC events while he's in an ambulance; correct?

11 A He brings his computer.

12 Q He brings his computer and works on it in his ambulance?

13 A I've seen it, yeah. He also goes back to the station.  
14 They just do not sit in an ambulance. They also can stay at  
15 his EMS station.

16 Q So you believe that Mr. Henriquez did all of his MSOC  
17 planning work while on the clock as an FDNY paramedic?

18 A Not all of it. You know, it's -- I told Juan when we  
19 used to speak about the conference, I tried to do it during  
20 work hours it, though we spoke often because we were good  
21 friends, and there's a lot of stuff we talked about, and so --  
22 if it was work-related, I tried to limit that to during his  
23 work hours.

24 Q But, to be clear, you don't believe that he spent -- that  
25 he did all of his MSOC planning work while he was on the clock



*Isaacs - cross - Fletcher*

533

1 as an FDNY paramedic; right?

2 A I wouldn't expect so.

3 Q And he wasn't provided equipment or software by the FDNY  
4 to do that planning work; right?

5 A He never asked for any.

6 Q He was not provided equipment --

7 A Right.

8 Q -- or software; right?

9 You did not officially task or assign Mr. Henriquez  
10 to work on FDNY MSOC events; right?

11 A The planning -- sorry -- do that again. I apologize.

12 Q You did not officially task or assign Mr. Henriquez to  
13 work on the planning and organization of FDNY MSOC events;  
14 right?

15 A No, I can't make assignments.

16 Q You don't have that power; right?

17 A Correct.

18 Q And you never asked anyone in the FDNY chain of command  
19 to reassign Mr. Henriquez from working as a paramedic to  
20 working to organize the FDNY MSOC; right?

21 A The plan, yes, I did not ask.

22 Q You did not ask.

23 A That is correct.

24 Q And you are not aware of any paper piece that reflects  
25 the FDNY officially tasking Mr. Henriquez to work on FDNY MSOC

*Isaacs - cross - Fletcher*

534

1 events; right?

2 A Well, he would have to speak to his captain. That's  
3 permission to attend meetings or get overtime, so that's  
4 between him and his captain.

5 Q So you believe Mr. Henriquez asked for permission from  
6 his captain to assist you with the FDNY MSOC organization?

7 A I believe he would have asked.

8 Q Do you have any personal knowledge of any such  
9 conversations?

10 A I do not.

11 THE COURT: Do you know whether Mr. Henriquez ever  
12 used his personal computer or FDNY computer to work on the  
13 MSOC planning while on duty in his ambulance as an EMT? Do  
14 you know whether he ever did that?

15 THE WITNESS: Yes. I --

16 THE COURT: You observed him?

17 THE WITNESS: Yes, because I would sometimes meet  
18 him out in, what we call, the field, out in the street, or at  
19 his EMS station, so I know he had his computer, we talked  
20 about stuff.

21 THE COURT: But do you know whether he was using his  
22 computer for the MSOC while on duty in his ambulance?

23 THE WITNESS: Yes.

24 THE COURT: And he has Wi-Fi in the ambulance?

25 THE WITNESS: I believe he brought his own.

*Isaacs - cross - Fletcher*

535

1 THE COURT: His own what?

2 THE WITNESS: Wi-Fi. Our medics EMTs can't use the  
3 ambulance Wi-Fi, so they would have to bring -- if he was  
4 going to use Wi-Fi, he would have to have brought his own  
5 Wi-Fi or what have you.

6 THE COURT: All right. So you observed him in his  
7 ambulance actually doing work on the MSOC conference, or was  
8 it you met him while he was on duty and you would discuss the  
9 conference when he wasn't in his ambulance on duty?

10 THE WITNESS: It is both. I've directly saw him  
11 working on his computer on the conference.

12 THE COURT: All right. And were you riding along  
13 with him?

14 THE WITNESS: No, but they have, what we call, cross  
15 street locations where they sit and wait for a job -- sit and  
16 wait for an assignment.

17 THE COURT: Did you go to those cross street  
18 locations and meet Mr. Henriquez?

19 THE WITNESS: Yeah. He would ask me to stop by,  
20 yes.

21 THE COURT: All right. How long would you meet with  
22 him?

23 THE WITNESS: It varies because if he gets an  
24 assignment, he's got to go, so it all depends on how busy it  
25 is in the city.

*Isaacs - cross - Fletcher*

536

1 THE COURT: Right. How much time on average would  
2 you meet with him at a cross street location?

3 THE WITNESS: I don't think it was that long. I  
4 just can't recall. It could be 10, 15, 20 minutes. Not more  
5 than that, I don't think.

6 THE COURT: All right. And would you meet for the  
7 purpose of having him provide information, or you providing  
8 information to him, or would he actually be doing typing  
9 and --

10 THE WITNESS: It was both. We would discuss it and  
11 he was working on it, so it was, like, bidirectional, and he  
12 was working on it, too.

13 THE COURT: And there was a time when you felt that  
14 because Mr. Henriquez wasn't responding to you that you could  
15 not go forward with the conference because you were too  
16 overwhelmed with work?

17 THE WITNESS: Well, he kind of went silent not just  
18 about the conference --

19 THE COURT: Yes?

20 THE WITNESS: Well, that was part of it, yes.

21 THE COURT: All right. Thank you.

22 THE WITNESS: Yes, ma'am.

23 BY MR. FLETCHER:

24 Q Dr. Isaacs, the FDNY MSOC enabled participants to get  
25 continuing medical education credits; right?

*Isaacs - cross - Fletcher*

537

1 A Correct.

2 Q Those are called CMEs?

3 A Yes, continual medical education credits.

4 Q CME?

5 A Yes.

6 Q And those were sort of provided by outside institutions;  
7 is that right? Like, North Shore --

8 A Yes. North Shore LIJ.

9 Q There were some others, too?

10 A It's now called Northwell Health and also New York State  
11 Department of Health.

12 Q And so they had to certify the credits or the CMEs;  
13 right? How does that work?

14 A Well, for Northwell, that was for the physicians, nurses,  
15 and physician assistants. It's very strict, their application  
16 process, so I would have to file out an application. It's a  
17 lot of work and detail.

18 For paramedic CMEs, it's a simpler process. They  
19 did accept what Northwell did, so it was much easier, where I  
20 would fill out some other information and I would have someone  
21 from the EMS academy assist me, if needed, for the paramedic  
22 CMEs.

23 Q And I think you recall you participated in a podcast for  
24 the FDNY Pro Mr. Henriquez; do you recall that?

25 A Yes.

1 Q And during that podcast you talked about the availability  
2 of CME credits; right?

3 A Correct.

4 Q Now, Mr. Henriquez, as part of his work on the FDNY MSOC  
5 was responsible after the conference for helping to obtain the  
6 CME credits for the participants; right?

7 A That's incorrect.

8 Q Were there any financial disclosures required to obtain  
9 CME credits for participants?

10 A No, just for the presenters.

11 Q So for someone -- so for presenters, if they needed CME  
12 credits, you had to provide financial disclosures to Northwell  
13 or LIJ or whoever was facilitating that credit; right?

14 A I apologize. So I understand your question; who fills  
15 them out you're saying would have to -- the conflict of  
16 interest forms are for the presenters and if there's found a  
17 conflict of interest -- it's for the CME office to determine  
18 whether they can offer a credit if there's a conflict.

19 Q So is it your testimony -- I'm going to ask you this.

20 It was required by North Shore or anyone else who  
21 was providing those CME credits after 2016 that you give them  
22 certain financial disclosures about the conference; right?

23 A Yes.

24 Q Yes?

25 A You have a conflict of interest form and a budget.

*Isaacs - cross - Fletcher*

539

1 That's what I have to supply.

2 Q A budget?

3 A Yeah.

4 Q Okay.

5 And that budget talked about revenues and expenses  
6 of the conference; right?

7 A In general. Proposed, but not --

8 Q Did it have line items on it?

9 A I can't recall, because I would not fill that out.

10 Q But you possessed those documents; right?

11 A I do not recall about the financials because I asked the  
12 Foundation.

13 Q So did the financial --

14 MR. FLETCHER: Strike that.

15 Q Did the Foundation submit those financial reports  
16 directly to the CME provider, or did you do it?

17 A I believe they did the direct correspondence.

18 Q So you had nothing to do with providing financials to the  
19 CME provider.

20 A Maybe for the speakers, or part of it, what the cost, but  
21 not all of it. I knew, generally, how much the speakers would  
22 cost.

23 Q So that would have been Jean O'Shea who was providing the  
24 financials to the CME provider?

25 A Her or a one of her -- a representative from the

*Isaacs - cross - Fletcher*

540

1 Foundation.

2 Q So Jean O'Shea would know about it; right?

3 A I would think if someone else within her Foundation did  
4 it, they would have to speak with her before they send  
5 anything, I would imagine.

6 Q So you didn't have access to any of the budget or the  
7 financial information that was provided to CME providers?

8 A I apologize, are you talking about the Northwell CME  
9 office or are you talking about the attendees? You said  
10 providers.

11 Q Let's start with Northwell CME office.

12 A Yes.

13 Q Did you have access to any of the budgets from the FDNY  
14 MSOC that were provided to the Northwell CME office?

15 A It was the preconference proposed budget, yes.

16 Q You had access to a budget?

17 A A proposed one, yes.

18 Q Not a final one?

19 A No. We didn't have to provide a final one.

20 Q Did you have electronic access to that document?

21 A Electronic form.

22 Q Did you have a hardcopy of that document ever?

23 A No, not that I can recall.

24 Q Is it your testimony that Mr. Henriquez was never  
25 involved in providing that information to Northwell?



*Isaacs - cross - Fletcher*

541

1 A I don't recall -- I filled out the application, worked  
2 with the CME office. Juan had no direct communications with  
3 them.

4 Q I'm sorry, you do recall whether Mr. Henriquez ever gave  
5 that information to the CME or you don't?

6 A No, I do not recall Juan giving any direct information to  
7 the CME office. Application was in my name, and I completed  
8 the application.

9 Q So it was all you doing the post-conference CME work, or  
10 the preconference CME work.

11 A If I got additional information, like the sign-in sheets,  
12 like, Juan may have helped that. I know Dr. Lai has been  
13 doing that for years, providing the sign-in sheets for me  
14 because you need that, or -- so there might be, but -- and  
15 the -- but I would submit that.

16 Q But not budgets; right?

17 A No.

18 Q Mr. Henriquez never had access to a budget?

19 A He may have. You know, generally could have been a cost  
20 and I may have shared that, wasn't his role, but, you know,  
21 maybe potential vendors. I mean, wasn't hard for us to figure  
22 out, how many vendors, what they pay. It was advertised. And  
23 then also what the speakers cost, but when it came to other  
24 expenditures, you know, I don't know what the meals are, what  
25 buses cost, and any other -- the Friday night event at our

*Isaacs - cross - Fletcher*

542

1 fire museum, I don't --

2 Q Were there a lot of budget documents for this event?

3 A I can't recall. There might have been a couple, but in  
4 terms of the final -- like, the real-world kind of budget the  
5 Foundation has, I wouldn't have that budget.

6 Q You did have access to a preconference budget, though,  
7 that you gave to the CME office; right?

8 A Some of the costs that I was aware of, yes.

9 Q Yes, you had access to a document that reflected the  
10 conference budget?

11 A Yes.

12 Q And it was a Foundation document, or was it an FDNY  
13 document?

14 A It was just the application filled out.

15 Q Did it reflect actual budget information for the  
16 conference?

17 A Proposed.

18 Q Did you give that document or show that document to  
19 Mr. Henriquez ever?

20 A I may have. I mean -- I may have. I mean, again, I'm  
21 very transparent, I share everything with Juan. I mean, it  
22 wasn't -- whether he saw it or not, I certainly would have  
23 showed him if he wanted to or I provided it to him.

24 Q Did you show it -- you showed Mr. Henriquez the FDNY's  
25 budget informs because he was your friend?

*Isaacs - cross - Fletcher*

543

1 A It's part of -- he's involved with me of the event, yeah.  
2 Wasn't -- I didn't look at it as a level, who's whatever  
3 title. I mean, just, you know, he was involved in, you know,  
4 plan, but he wasn't involved with the CME, but I could have  
5 showed him a copy, the application I filled out, you know,  
6 it's hard to say. I mean, I wasn't -- I didn't create silos  
7 where, you know, constrict what he can see or not.

8 Q Okay, so you don't recall?

9 A Fair enough, yeah.

10 MR. FLETCHER: Should we continue, Your Honor? Or  
11 do we need to --

12 THE COURT: We will keep going until they show up.  
13 One of our parties is here. Are they both here? Are you both  
14 here?

15 THE COURTROOM DEPUTY: Mr. Chase is not.

16 THE COURT: Mr. Chase is not.

17 MR. CREIZMAN: No, Mr. Chase is.

18 THE COURT: Oh, he is.

19 Let's take a quick break and have a status. And the  
20 Government is here, too.

21 (Witness exits the courtroom.)

22 (Recess taken.)

23 (Witness resumes the stand.)

24 MR. FLETCHER: Are we back?

25 THE COURT: Yes, we are back. Everyone is back.

*Isaacs - cross - Fletcher*

544

1 BY MR. FLETCHER: (Continuing)

2 Q Dr. Isaacs, did Mr. Henriquez ever express concern to you  
3 that certain expenses being claimed by the Foundation for the  
4 MSOC conferences had actually -- well, reflected work that he  
5 had done for free on the conferences?

6 A No.

7 Q Never?

8 A Nope.

9 Q Did he ever express concern to you that equipment that  
10 had been provided to the conference for free was being claimed  
11 as an expense by the Foundation?

12 A No.

13 Q Did Mr. Henriquez ever provide free equipment to the  
14 conference?

15 A He had purchased, on his own, plastic balls.

16 Q Okay.

17 They were, like, Chucky E. Cheese balls -- pit  
18 balls?

19 A Not Chucky E. Cheese, but that's what someone referred to  
20 it as.

21 Q They were blue; right?

22 A I thought they were red, but maybe.

23 Q And there were maybe thousands of them; right?

24 A I do not know how many. A lot. I just don't know how  
25 many.

*Isaacs - cross - Fletcher*

545

1 Q They had to be large enough to completely engulf a human;  
2 correct?

3 A Correct.

4 Q The volume of them.

5 And Mr. Henriquez was never reimbursed for that;  
6 right?

7 A He never asked permission to purchase them.

8 Q That's not what I asked you.

9 He never was given money by the FDNY to pay him back  
10 for that.

11 A Right.

12 THE COURT: Were these balls used by the FDNY in any  
13 conference or for any training?

14 THE WITNESS: It was for -- yes, for a skill station  
15 that Juan had did.

16 THE COURT: For a skill station that Juan had what?

17 THE WITNESS: Juan was doing a trench as part of our  
18 skills for the conference. He was at the trench skill  
19 station, so it was for that station he was involved in.

20 Q Could you pick up the white binder in front of you and  
21 turn to Exhibit 3?

22 A Sure.

23 Q Is that -- the top of that page, which is HENR-351, is --  
24 it says: MSOC 2017 org chart; is that right?

25 A Yes. The HENR-00351, is that what you're referring to?

*Isaacs - cross - Fletcher*

546

1 Q Yes.

2 A Yes.

3 Q And that organizational chart reflects the org chart for  
4 the actual event in 2017, not for the organization of the  
5 event or the planning, but for the day of the conference;  
6 right?

7 A Correct.

8 Q And Mr. Henriquez created this document; right?

9 A I'm not sure.

10 Q You didn't create this document; right?

11 A No. It may have been Chief Pataki.

12 Q But you don't know who created this document?

13 A I thought it was Chief Pataki.

14 Q Might it have been Mr. Henriquez?

15 A I think org charts Chief Pataki did. I do not believe he  
16 did this.

17 Q You don't believe Mr. Henriquez did this, but you don't  
18 know personally; right?

19 A I believe that Chief Pataki did it.

20 Q So Chief Pataki is at the top. You see him there?

21 A I see him.

22 Q And sort of the really long, horizontal line, that's a  
23 few lines down from the top.

24 Do you see that?

25 A Yes.

*Isaacs - cross - Fletcher*

547

1 Q I see Captain Mary someone, transportation group.

2 Do you see her?

3 A Yes, I do.

4 Q And next to her is someone who is a lieutenant; is that  
5 right?

6 A That is correct.

7 Q And then someone with DC, is that deputy chief?

8 A Yes. The same rank as Chief Pataki; correct.

9 Q Okay. So we've got a captain, a lieutenant, a deputy  
10 chief. Next to that is BC.

11 Is that battalion commander?

12 A Battalion chief at the fire academy.

13 Q Next to that is captain; is that right?

14 A Correct.

15 Q All the way over on the right is another captain; is that  
16 right?

17 A Correct.

18 Q And then just between them is Paramedic Juan Henriquez;  
19 right?

20 A Correct.

21 Q So for the day of the event, in this org chart, you have  
22 captains and a lieutenant and deputy chiefs and battalion  
23 chiefs, and a paramedic; is that right?

24 A Correct.

25 Q Okay.

*Isaacs - cross - Fletcher*

548

1 And paramedic is a significantly lower rank than all  
2 of those other officers; correct?

3 A Correct. This is a conference, not field operations, but  
4 correct.

5 Q Okay.

6 And, apparently, those officers felt comfortable  
7 having a paramedic at the same level of the hierarchy as them;  
8 fair to say?

9 A I don't know. I didn't speak to them.

10 Q But it did happen; right? This did reflect the actual  
11 organization of the actual 27 events; correct?

12 A I don't know if this was the final draft. I don't know  
13 if -- again, I don't know if this was the final version that  
14 we used.

15 Q But you believe Deputy Chief Pataki created it; right?

16 A I may be confused. I do not know for sure who did it.

17 Q If Deputy Chief Pataki created it, Deputy Chief Pataki  
18 felt comfortable with it, even if it was a draft; right?

19 A Yeah, I assume. Whoever drafted it felt comfortable with  
20 it.

21 Q But you didn't draft it, so you don't know?

22 A That is correct, I did not draft it.

23 Q For the 2018 conference, DMS came up to do a  
24 preconference medical specialist course; right?

25 A Correct.



*Isaacs - cross - Fletcher*

549

1 Q And that was a pretty big deal for the FDNY; right?

2 A I'm not sure what you mean by a big deal. I mean,  
3 it's --

4 Q On the podcast we talked about, I think you spent quite a  
5 lot of time talking about how this was the first year it was  
6 going to be happening and how it was a really big deal for the  
7 FDNY.

8 A Okay. In the spirit of conversation for a podcast, I may  
9 have said it was a big deal.

10 Q It was a big draw for the FDNY that this DMS class was  
11 going to be happening.

12 A I do not think that it impacted the conference.

13 Q Well, it was something you chose to promote in the  
14 podcast; right?

15 A Sure, but it's a small number of people taking the class.

16 Q It's an expensive class; right?

17 A Yes.

18 Q As compared to the MSOC -- the regular MSOC conference,  
19 the DMS class is substantially more expensive; right?

20 A I probably would disagree on that.

21 Q How much was the MSOC conference ticket?

22 A I don't know, but we -- in terms of -- because the fire  
23 department paid for a lot of the expenses, as well as for the  
24 course, for the medical specialist course, they were classes  
25 that the fire department pay for it.

*Isaacs - cross - Fletcher*

550

1 Q So that's not my question.

2 A Okay.

3 Q My question is: For a participant, the MSOC conference  
4 costs a couple hundred dollars; right?

5 A I apologize. I apologize. I misunderstood your  
6 question.

7 For an attendee to take the class, yes, it is a lot  
8 more expensive.

9 Q The MTS class?

10 A Yes.

11 Q But you had told Jean O'Shea about the MTS class and that  
12 it was going to be happening; right?

13 A I had to get approval from her and others that it was  
14 okay to do it.

15 Q And you knew that there was a link embedded into the  
16 Foundation MSOC website that took people out to the DMS  
17 website to register for that preconference course; right?

18 A It was to -- I was told by Juan that it had to place  
19 to -- some link to register. I didn't understand it at the  
20 time, but, yes.

21 Q But -- so you knew that the link would be on the  
22 Foundation website; right?

23 A I can't recall because they were speaking with Joe  
24 Malvasio and -- the webmaster. I wasn't intimately involved  
25 with that part.

*Isaacs - cross - Fletcher*

551

1 Q You had no communications with them about that?

2 A No, that's not necessarily the case. I would have  
3 communicated with -- asking Ms. O'Shea, Joe Malvasio: Juan  
4 and Joe Hernandez says FEMA wouldn't allow it to be on the  
5 Foundation website, so as I'm starting to recall it, so  
6 that -- however they register -- there's two components of the  
7 program of that course. There's the computer-based training  
8 and the instructor-led training. So Joe Hernandez, along with  
9 Juan, said FEMA would not allow at a Foundation website the  
10 registration would actually have -- as I'm starting to  
11 recall -- would have to be through DMS.

12 Q Okay.

13 So my question is: You had conversations with Jean  
14 O'Shea to let her know that there was a website -- that there  
15 was a link to the DMS website on the Foundation's website;  
16 right?

17 A I had conversations. I don't recall my exact  
18 conversation with Jean. She would have -- she would have  
19 referred me to Joe Malvasio.

20 Q Okay. Let's look at Exhibit X in the black binder.

21 So there's a couple pages of emails here.

22 A Okay.

23 Q Feel free to take a look, but I'm going to be asking you  
24 about -- I'm going to start asking you about the second page,  
25 page 2 of 4.

*Isaacs - cross - Fletcher*

552

1 A Okay. So just read all four pages?

2 Q Yeah. Take a second to read all four pages.

3 A Okay.

4 Q So let's look at page 2 of 4.

5 A Okay.

6 Q The bottom email from Jean O'Shea to Susan Wipper and  
7 yourself.

8 A Okay.

9 Q You see she's asking you about signing up for the US&R  
10 specialist course for \$2,600.

11 A Yes.

12 Q That was the med spec course, the DMS med spec course for  
13 the MTS course?

14 A Yes, that's correct.

15 Q And she's asking: How can you sign up for that course  
16 and then go to MSOC for free? And: How many people are you  
17 expecting?

18 Do you see that?

19 A Yes, I do.

20 Q And you received that email; right?

21 A I believe there was confusion by the Foundation, yes.

22 Q You received that email; right?

23 A Yes. That looks -- yes.

24 Q And then you responded very shortly thereafter --

25 THE COURT: Why don't you just give dates and times

*Isaacs - cross - Fletcher*

553

1 once again.

2 MR. FLETCHER: Yeah, sorry.

3 Q The first email is Tuesday, January 16th, 2018, at 13:07.

4 And the email directly above it is the same day at 13:33.

5 THE COURT: This is Dr. Isaac's response to

6 Ms. O'Shea?

7 MR. FLETCHER: Yes. Dr. Isaacs' response to Jean

8 O'Shea and Susan Wipper.

9 Q And you tell her that the cost of the conference is built  
10 into the price of the course.

11 I assume that's the med spec course; is that right?  
12 The MTS course?

13 A Yes. The price for the course would allow for admission  
14 to the conference.

15 Q Okay.

16 And you expected 30 people to sign up for the MTS  
17 course?

18 A Um --

19 Q I mean, you said that.

20 A Yeah. That's what they proposed, yes.

21 Q I don't know what you expected or not, but you told her  
22 that information.

23 A That was expected, yes.

24 Q Okay.

25 So if we go backwards one page to page 1 of 4. You

*Isaacs - cross - Fletcher*

554

1 can see at the bottom Jan 16, 1:33, you forwarded -- I guess  
2 basically immediately, because the time stamp is the same --  
3 you forwarded immediately to Mr. Henriquez?

4 A Which -- I'm sorry, which email. I see -- I apologize.

5 Q Yeah, it's a confusing page, but --

6 A Yes.

7 Q So at the very bottom of that page, there's a blue line.

8 A Yes.

9 Q You see it says January 18th at 1:33 p.m. --

10 A Yes, I see that now.

11 Q -- Isaacs, Doug; and then it says: Wrote. And then it's  
12 blank.

13 A Okay.

14 Q And it's just your -- your signature, the FDNY, so you're  
15 forwarding this email chain?

16 A Yep.

17 Q To Mr. Henriquez; right?

18 A Mm-hmm.

19 Q And then directly above at 14:05, Mr. Henriquez says to  
20 you: Was this not discussed previously with them?

21 Do you see that?

22 A Yes, I do.

23 Q Okay.

24 And then above that at 2:12 p.m. you write to

25 Mr. Henriquez: Yes, I had spoken with her. She just forgot.

*Isaacs - cross - Fletcher*

555

1           So according to this email chain you had multiple  
2 conversations with Jean O'Shea about the DMS course; right?

3   A     Yes. I had conversations with her.

4   Q     Specifically about the DMS course and how the  
5 registration would be run?

6   A     Yes.

7   Q     Do you know, as you sit here today, whether you did, in  
8 fact, have multiple conversations with Jean O'Shea about this  
9 subject?

10   A     I had conversations. I can't recall how many, but yes, I  
11 had conversations with Ms. O'Shea.

12   Q     Okay.

13           THE COURT: This was about the conference fee, sir?

14           THE WITNESS: Yes. Specifically more so the  
15 conference fee.

16           THE COURT: Okay.

17   Q     And as it related to the MTS course?

18   A     Correct.

19   Q     At some point later that year you asked Joe Hernandez to  
20 send a ten thousand dollar check to the Foundation; correct?

21   A     No. Joe Hernandez said I'm going to send you a check.  
22 How -- he asked how should you send it and I'm like, whatever  
23 is easiest for you.

24   Q     And you asked him to send it to your home address;  
25 correct?

*Isaacs - cross - Fletcher*

556

1 A I can't recall where to send it. I was trying to make it  
2 easier, whatever he wanted.

3 Q So you don't recall whether you asked him to send it to  
4 your home address?

5 A He may have. I don't know. I can't recall. Maybe.  
6 Again, it's not a check for me, so...

7 THE COURT: But does the Foundation have a mailing  
8 address or a PO box where --

9 THE WITNESS: I'm sure they do.

10 THE COURT: -- Mr. Henriquez could have sent that  
11 check?

12 THE WITNESS: Sorry, Judge.

13 Yes, there's a mailing address to headquarters, I  
14 would think.

15 THE COURT: So Joe Hernandez, do you recall that he  
16 sent it to your home?

17 THE WITNESS: I do not recall if he sent it to my  
18 home. But, again, it was a friend of friend, and he just  
19 want -- he -- him and Juan were fighting about the check. I  
20 was not directly -- it was Juan and him fighting about it  
21 and -- there was a lot more it to it, but -- and then Joe was  
22 like: I just want to send it in. And I vaguely recall:  
23 Whatever you want -- or however you want to send it, Joe. I  
24 mean, it's not written to me. It's written to the Foundation.

25 THE COURT: Did you give him your home address?



*Isaacs - cross - Fletcher*

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1 THE WITNESS: He already had my home address. We  
2 were friends, so he would have had my home address already.

3 THE COURT: And you're just saying it's Joe  
4 Hernandez who decided to send a \$10,000 check to you for the  
5 Foundation?

6 THE WITNESS: I can't recall the final decision.  
7 Again, I may have said to Joe: Whatever is easiest for you.

8 You know, we're on the phone. He's all -- he was  
9 kind of angry, yelling at me, so I just can't recall the  
10 conversation.

11 THE COURT: Is he angry at you, is that why he's  
12 yelling at you?

13 THE WITNESS: Well, he was angry at the situation  
14 because my communication with Juan regarding the course, and  
15 they asked to push to do it. I didn't want to do it. But  
16 it's supposed to be key-turn operation, no work for me or the  
17 department, and then it ended up being a lot of work.

18 Q Do you recall a text message thread between yourself and  
19 Joe Hernandez where you asked Mr. Hernandez to send the check  
20 to your home?

21 A It could have happened. I'm sure you have it here. If  
22 that is, then it would have happened.

23 Q I don't have it here today. I'm asking --

24 A I don't recall, but -- and, again, if -- in my  
25 conversation with Joe, it may have happened. I don't know.

*Isaacs - cross - Fletcher*

558

1 Q Okay. Thanks.

2 THE COURT: Is there any reason why you would have  
3 had it sent to your home instead of the Foundation address?

4 THE WITNESS: It was just -- if I was, it was just  
5 ease of access for Joe.

6 THE COURT: Why would it be easier? I mean, all he  
7 has to do is address it, put a stamp on it, and put it in the  
8 mailbox. So how is it easier to send it to a home address,  
9 yours, or the Foundation address?

10 THE WITNESS: Because I thought in order to resolve  
11 the conflict that was happening, I don't know how long it  
12 takes for mail to come through the fire department through --  
13 you know, the City mailing office, and there was a lot of  
14 emotions with Juan and Joe, and I may have made it: Hey, send  
15 it to me and I will bring it over to Jean O'Shea. You know,  
16 that could have been probably a plausible reason why. I mean,  
17 that's the only reason why if -- I just want to get this  
18 resolved. This was a very uncomfortable situation.

19 With Juan, Joe, the department was questioning  
20 things, and it was the tension -- I didn't want it. I wanted  
21 to resolve this and move forward. Like, it was very  
22 emotionally charged. I -- for Juan and Joe, and my friends, I  
23 only thought the best. Like, you know, listen, this is  
24 probably a misunderstanding, and I just want it to get  
25 resolved. I was under a lot of pressure. And for them, and

*Isaacs - cross - Fletcher*

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1 they are fighting. I had an email that Joe Hernandez texted  
2 me: Sorry. A message how he's pissed off at Juan because  
3 Juan was hammering him about the money, and Joe was driving  
4 back to Florida with his trailer, and they were fighting. The  
5 department seemed -- the Foundation and others were  
6 questioning things, and I wanted this resolved.

7 THE COURT: This is in what year? I'm sorry.

8 THE WITNESS: 2018. The whole issue started with  
9 the Medical Team Specialist course that the EMS did. All  
10 this -- issues that Juan and -- Juan pressured me, he really  
11 wanted to do this course and I never talked to Joe directly  
12 about doing the course. Juan said: Joe does everything, you  
13 don't have to do anything. And that was farthest from the  
14 truth. It was a lot of work and the rest is what happened.

15 Q Did you ever participate in any conversations about the  
16 MSOC conference moving to California?

17 A No. It was brought up to me, but I did not -- I did not  
18 say we're moving it to California. Someone -- Katie Roberts  
19 from California, I was pretty upset at the Friday night  
20 museum, and I said: I don't think I'm going to do this  
21 anymore. And Katie was like: Hey, bring it to California.  
22 I'm like: Katie, it's not the time. She also mentioned to  
23 Glenn Asaeda, my medical director, and I had shared this  
24 conversation with Juan, and Juan said some choice words about  
25 her. He wasn't a big fan of hers, and he wanted to write her

*Isaacs - cross - Fletcher*

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1 an email, but I said: No, it's Katie. Let it go. Don't make  
2 decisions during emotional times, so...

3 Q So let me back up.

4 Katie Roberts told -- is it Dr. Asaeda or  
5 Chief Asaeda?

6 A Dr. Asaeda.

7 Q Katie Robert told Dr. Asaeda that -- what did she tell  
8 Dr. Asaeda as far as -- let me ask you a question: Were you  
9 present for this conversation?

10 A Not with Dr. Asaeda, no.

11 Q Okay.

12 So what is your understanding of the conversation  
13 that took place between them?

14 A Dr. Asaeda told me that: Hey, Katie just came up to me,  
15 said you're upset and she suggested maybe to you about  
16 bringing this to California, and, you know, and that was the  
17 extent of the conversation.

18 Q And that's all Dr. Asaeda said to you?

19 A I can't remember any further comments after that. You  
20 know, we're at the fire museum, it was a Friday night event,  
21 and I just remember -- I can't remember the rest. I knew I  
22 was just upset about something and then we just moved on.

23 THE COURT: You can remember being upset but you  
24 can't remember why you were upset?

25 THE WITNESS: It was something related to the event.

*Isaacs - cross - Fletcher*

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1 I think it was the wreath -- we do -- I believe that was the  
2 time we do a wreath-laying ceremony to honor World Trade  
3 Center first responders and others that perished that day.  
4 And at the site, we do a wreath-laying ceremony, and there was  
5 a mix-up with the order. We got it done, but it should --  
6 that's something, you know, we hold, you know, close to us,  
7 and it should not have happened.

8 We got a wreath. Chief Pataki got it done. I gave  
9 him my credit card, I remember that, but I was pretty upset  
10 because of all the things to mess up on, how could we mess up  
11 on that.

12 THE COURT: So when Dr. Asaeda told you that Katie  
13 Roberts had told him that she wanted to move the event to  
14 California, he just said it? Or could you describe his  
15 demeanor or his -- what he conveyed to you with regard to his  
16 views with -- of that news?

17 THE WITNESS: I'm sorry, the words that Katie said  
18 to him, I apologize if that's what I said. Katie Roberts  
19 said: Doug seems upset, he may be done, maybe, what do you  
20 think about if we move this conference to California.

21 THE COURT: Oh, so she told Dr. Asaeda that you  
22 seemed to be done with the conferences --

23 THE WITNESS: Well, because I had spoken to her, I  
24 had vented to her before that, and I said: I don't know if I  
25 can keep doing this. And I was really upset.

*Isaacs - cross - Fletcher*

562

1 And she mentioned to me: Oh, maybe if you don't  
2 want to do this, we can do this in California.

3 That was my conversation, you know, with her. And  
4 then she went and spoke to Dr. Asaeda.

5 THE COURT: But you don't know what she actually  
6 said to him or --

7 THE WITNESS: Katie said: Hey, you know, if Doug is  
8 done doing this -- and those were -- I remember his words --  
9 she said: Maybe he'll do it in California.

10 MR. FLETCHER: May I continue, Your Honor?

11 THE COURT: Yes.

12 Q So it's your testimony that you had no emotional reaction  
13 to the information from Dr. Asaeda about Katie Roberts talking  
14 about California?

15 A I was annoyed. Not as annoyed as Juan, but I was  
16 annoyed.

17 Q Annoyed about what?

18 A You know, here I'm pretty upset about the situation and  
19 here she's already, you know -- you know, just -- you have to  
20 know Katie and others, and, you know, oh, maybe we'll just do  
21 it there. And I just didn't think it was the right time  
22 and -- I was actually not upset her talking to me about it. I  
23 was upset that she had a conversation with Dr. Asaeda about  
24 it. That's what I was upset about.

25 Q And then you went and told Mr. Henriquez about this?

*Isaacs - cross - Fletcher*

563

1 A I joined them later in the night. Not right away, but  
2 during the night, we went out for drinks with others and I  
3 spoke to Juan about it.

4 Q You told a lot of people about this; right?

5 A Probably a few. I wouldn't say a lot, but I told a few  
6 people, sure.

7 Q Joe Hernandez? Other people?

8 A I don't know if I told Joe particularly. I may have. I  
9 mean, Joe was there. I mean, a lot of people. I know I  
10 specifically told -- I believe Dr. Lai and Juan.

11 Q Why? If it was just something that Katie kind of said as  
12 an aside that didn't have anything to do with anything; right?  
13 You know --

14 A It was just her -- like, here she's making -- like, she  
15 sees I'm upset and is taking that advantage of: Oh, maybe  
16 we'll move it out there, you know, if you don't want to do it  
17 here anymore.

18 And, you know, I just thought it was poor timing and  
19 just, I was in an upset mood, so I didn't think -- I don't  
20 know, it was her taking advantage there. It's like certain  
21 personalities that people like to take advantage of these, and  
22 I took that as that opportunity that she was doing.

23 Q So you went and told several other people in a bar  
24 afterwards about that.

25 A I know I discussed it with Juan, and he was upset, and

*Isaacs - cross - Fletcher*

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1 then I mentioned it to Dr. Lai.

2 Q Did Katie Roberts come up to you again at some point and  
3 say: See you next year in California?

4 A No, she never said that to me.

5 THE COURT: Did the MSOC conference, wasn't it going  
6 to be in California at one point and then once that fell  
7 through, they brought it to New York?

8 THE WITNESS: No, I've never heard of any conference  
9 in California. The only thing I was going to go out to  
10 California to do was teach --

11 THE COURT: That is not my question.

12 Were you aware --

13 THE WITNESS: No.

14 THE COURT: -- whether the MSOC conference had been  
15 planning to hold that conference in California at any time?

16 THE WITNESS: No.

17 THE COURT: Okay.

18 Q Let's turn to Exhibit H.

19 A Okay.

20 Q Actually, I apologize. That's not the correct exhibit.  
21 Exhibit M. M like Mary.

22 This is a text message thread?

23 A Yep.

24 Q Your name is at the top of this.

25 A Correct.



*Isaacs - cross - Fletcher*

565

1 Q Why don't you take a look at it and tell me if you  
2 recognize it.

3 A It seems like something that I could have communicated.

4 Q Do you recognize this text message thread?

5 A It's been quite a few years, but, yeah, I -- yeah, I  
6 can't recall details, but this seems like, you know, a text  
7 message from me, because I -- there's information on there  
8 that only I would have known.

9 Q Okay.

10 Do you know who you are speaking with?

11 A Probably either Joe or Juan.

12 Q Do you understand that on this page you are on the left  
13 side and the other person is on the right side?

14 A That is correct.

15 Q Okay.

16 Do you see the question: Have you ever heard of  
17 Envision?

18 A Yes.

19 Q Okay.

20 Is that the kind of thing that Juan would have said  
21 or Joe would have said?

22 A Either one.

23 Q Okay.

24 So we don't know who you are speaking to; is that  
25 correct?

*Isaacs - cross - Fletcher*

566

1 A Knowing -- you said Envision. I think Joe's son was  
2 going to go to work for Envision, so this would be Joe  
3 Hernandez.

4 Q So here you think you are speaking with Joe Hernandez;  
5 right?

6 A Now I believe I am, now that it clicked in about  
7 Envision.

8 Q Do you see the highlighted portion: The conference has  
9 become a nightmare and might have to be cancelled?

10 A Yes.

11 Q Okay.

12 And that's something you told Joe Hernandez?

13 A I did because this is -- this was emotional texts, and  
14 stuff going on with Juan and the department and Joe, and it  
15 was very stressful for me.

16 Q Now, there's a date at the top of this text, but it's not  
17 the actual text. It doesn't come from the actual text thread,  
18 so I will just ask you: Do you know whether that might be a  
19 correct date for this text thread?

20 A It would have been following, I know, after that 2018  
21 conference when all the problems came up. I don't know what  
22 month. If you're saying that's not the month, you know, I  
23 don't know if that is -- is that the correct month, November?  
24 I don't know, but it would have followed after the 2018  
25 conference because that's when all the drama started.

*Isaacs - cross - Fletcher*

567

1 Q But it might have been November, is that fair to say?

2 A Fair to say.

3 Q And "the drama," was it the question about the DMS  
4 medical specialist course; is that the drama you're referring  
5 to?

6 A No. The drama, if you must know, is when -- Juan getting  
7 upset and Joe in trying to work these things out, and them  
8 individually yelling at me, and I remember telling Juan:  
9 Listen, big picture, let it play out. I'm sure there's  
10 nothing -- there's nothing wrong. I believe the best in the  
11 two of them, and let's get through this. But big picture, we  
12 have a lot of great things to work on together. This is  
13 bigger -- you know, it's a conference, we'll get through it,  
14 and we'll move on, you know, working together.

15 And then, you know, the two of them got nasty and  
16 yelling and started -- you know -- you know, it's -- again,  
17 not so much Joe I care about, but Juan was one of my closest  
18 friends, and I trusted, and I guess, you know, conferences  
19 mean more than that, so...

20 Q Okay.

21 So, just to be clear -- excuse me. Excuse me.

22 THE WITNESS: Judge, could you give me a couple  
23 minutes, please?

24 THE COURT: Yes.

25 (Witness exits the courtroom.)

*Isaacs - cross - Fletcher*

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1 (Pause.)

2 (Witness resumes the stand.)

3 THE WITNESS: Sorry, Judge.

4 THE COURT: No worries, there's water if you like it  
5 or whatever else you need.

6 THE WITNESS: I'll be fine.

7 THE COURT: All right.

8 Q Are you feeling a little bit better?

9 A I'm fine, thank you.

10 Q Okay.

11 We can continue?

12 A Yes.

13 Q Do you want to take your mask off?

14 A Oh.

15 Q Okay.

16 So you said you had a falling-out with Mr. Henriquez  
17 and Mr. Hernandez over the 2018 conference?

18 A They had a falling out with me, yes.

19 Q Over what?

20 A It -- Juan was making wildly false accusations. I did --  
21 I just -- 'cause I was Juan's friend and I didn't feel like  
22 doing the conference, and I met with the chief of the  
23 department after I told the chief of EMS, I don't want to do  
24 this, even though it's being advertised. And he's like, well,  
25 we really need to do this. And I said: It's not my job.

*Isaacs - cross - Fletcher*

569

1           So I was asked five -- ten minutes later to go with  
2 Chief Booth to meet with the chief of the department,  
3 Chief Leonard. The three of us met, and Chief Leonard asked:  
4 I understand you are being loyal to your friend. I don't know  
5 what's going on. It's just Legal told him he couldn't  
6 participate right now at the conference.

7           I said: What do I tell him? He's my friend, and  
8 he's made big contributions. I mean, it's not fair. Like, I  
9 didn't know what was going on, and my loyalty was to Juan.  
10 This is a conference, and Chief Leonard -- I was surprised, he  
11 was very calm, and he goes: I respect you greatly, just  
12 please reconsider, and please let me know.

13           My first phone call as soon as I left that office  
14 was Juan, and Juan starts to accuse me on the phone: I know  
15 what was said in there. I'm like: Juan, I just left the  
16 office and, like, how would you know what was said in the  
17 meeting, I just left the meeting. And he started getting  
18 nasty with me and -- and then after that -- and before that,  
19 there was issues with him and Joe regarding we are going to  
20 try to do the course again as preconference.

21           And then Joe and Juan were manipulative because the  
22 Foundation was concerned, and I forgot what the concerns were,  
23 they want the registration to go through the Foundation  
24 website for the Medical Team Specialist course, and I said:  
25 Joe, they said that you can charge whatever you want for the

*Isaacs - cross - Fletcher*

570

1 course, you will get the monies for it, whether it's  
2 26 hundred or whatever the course, but they need to make sure  
3 they, you know -- I mean, Joe Malvasio can probably speak on  
4 this more than me for sure. And then Joe was like, no, FEMA  
5 won't allow it. All this -- and it being untruths. And  
6 because we ran a course last year and I did it through the  
7 FDNY Foundation website, and, you know, FDNY ran the course.

8 So, you know, the two of them, I'm not sure what was  
9 going on. They sent -- they had -- I think they had their own  
10 agendas, and I feel I was used.

11 Q Okay.

12 THE COURT: May I know, unless this is completely  
13 unrelated, what were the accusations that you say that  
14 Mr. Hernandez and Mr. Henriquez were making? And were they  
15 against you or someone else?

16 THE WITNESS: It was against the fire department  
17 Foundation saying FEMA would not allow this to -- them to do  
18 registration to Foundation. Joe and Juan wanted to control  
19 everything. And I said: I don't understand. They've already  
20 said -- and Liz Cascio, who got involved, said: Listen --  
21 because I met with her, and she goes: Listen, Joe Hernandez,  
22 DMS, they can charge whatever they want, everything will be  
23 transparent, but the registration has to go through the  
24 Foundation website.

25 And I explained it to Joe. It made sense to me and

*Isaacs - cross - Fletcher*

571

1 Joe said: No, FEMA would not allow this. I don't -- you  
2 know, I didn't understand it. I understand a little bit more  
3 now, I think, but people had agendas, so...

4 Q All of that happened, you said, during the conference  
5 during 2018, immediately after the conference?

6 A This happened in the fall, like during this November kind  
7 of time, September, October, November, during the planning.

8 THE COURT: So 2017?

9 THE WITNESS: No. 2018 -- 2018.

10 THE COURT: Okay. So this --

11 THE WITNESS: These problems -- sorry, Judge.

12 THE COURT: That's all right. I just needed the  
13 dates.

14 THE WITNESS: The problems did not happen until  
15 during the conference of 2018. There was a question that -- I  
16 guess concerns. I got contacted by Carol Brown, who is head  
17 of legal, one of the assistant commissioners at the fire  
18 department. They had concerns about, I guess, the website or  
19 something. I didn't understand it and then it was -- that's  
20 why the emotional and then the stress and the -- what was  
21 promised by Juan really about the course. After this  
22 conference was over and then months later on, it -- issues  
23 came up after the 2018 conference that led into the fall.

24 MR. FLETCHER: Your Honor, may I continue?

25 THE COURT: Yes.

*Isaacs - cross - Fletcher*

572

1 Q So during the summer of 2018, were you in a fight with  
2 Joe Hernandez?

3 A I was not fighting anyone. They were yelling at me.

4 Q They were angry at you over conference registration and  
5 the DMS MTS course?

6 A Where the registration was going to take place.

7 Q And that was causing a lot of stress, they were very  
8 angry at you, you're saying.

9 A Well, it was a combination of things. I'm not sure when  
10 there's some investigation on Juan, I'm not sure when I was  
11 notified -- I mean, when I went through my emails --

12 Q Sir, during the summer of 2018, was Joe Hernandez angry  
13 at you? Did you understand him to be angry at you?

14 A I'm not sure when he was angry. He was angry the summer  
15 or the fall.

16 Q After the conference?

17 A I don't know when he got angry, but I can't tell you what  
18 month it occurred in.

19 Q Okay.

20 So it might have been the summer and it might have  
21 been the fall of 2018; right?

22 A That is fair, yes.

23 Q Okay.

24 Let's look at Exhibit L, it's just back one.

25 Is this also a text message thread between yourself



*Isaacs - cross - Fletcher*

573

1 and Joe Hernandez?

2 A I apologize, I'm on the wrong -- one second.

3 Yes.

4 Q Okay.

5 So the thread on the left, the date at the top is  
6 July 16, 2018.

7 A Okay.

8 Q And you see Joe Hernandez says to you: Hey, Doug, are  
9 you still in for the class in Ocala in August 27th to 30th?

10 And you said: I'm in, with an exclamation point.

11 A Yep.

12 Q So he invited you to teach a class for him in August;  
13 right?

14 A Okay, yes.

15 Q And you were excited to participate, yes?

16 A Love to teach, yes.

17 Q Okay.

18 And then in the one on the right, there's a date  
19 July 24th: Hi, Doug, I sent you a copy of flight itinerary.  
20 Do you think the ultrasound folks might want to come out to  
21 play in Ocala?

22 Do you see that?

23 A Yes, I do.

24 Q So in July Joe Hernandez doesn't seem to be angry at you;  
25 right?

*Isaacs - cross - Fletcher*

574

1 A Yeah, I don't think all the issues had started bubbling  
2 over.

3 Q Did you go to Ocala, Florida in August to teach a class  
4 for Joe Hernandez?

5 A The FEMA course, yes.

6 Q August 27th to 30th?

7 A Yeah, if that's what the dates -- I can't -- I just  
8 remember it was 2018. But If you say so.

9 Q Was Joe Hernandez angry at you at the end of August in  
10 2018?

11 A No, not if I'm there.

12 Q So the issues that had arisen before the conference with  
13 respect to the registration didn't cause Joe Hernandez to be  
14 angry at you at the end of August of 2018?

15 A We haven't even opened up registration yet for the next  
16 year. This had nothing to do with the 2018 him being upset  
17 and -- with me until for the 2019 conference.

18 Q Oh, so the stress didn't start until the 2019 conference?

19 A Yes, but that all started after this course, probably  
20 September, October, November, December of the fall, in the  
21 winter of 2018, anticipating the 2019 conference.

22 Q Okay.

23 So in the fall of 2018, that's when Joe Hernandez  
24 got angry at you; right?

25 A Me, the department, whoever -- he was just angry.

*Isaacs - cross - Fletcher*

575

1 Q So we looked at -- in Exhibit M if you flip ahead.

2 A Okay.

3 Q This, you said, may or may not have happened in November.

4 This is the thread we looked at already.

5 A Okay.

6 Q And you told Joe Hernandez: The conference has become a  
7 nightmare and may have to be cancelled.

8 And his response is: Wow. Have you heard of  
9 Envision?

10 Right?

11 A Okay.

12 Q So doesn't -- was Joe Hernandez angry at you when this  
13 text thread happened, whenever it happened?

14 A Probably hadn't started yet. Probably went to -- into  
15 December, I don't know, but obviously not then.

16 Q Okay.

17 Let's turn to Exhibit N?

18 A N?

19 Q N.

20 Does this also look like a text message --

21 A Yep.

22 Q -- thread between you and Joe Hernandez?

23 A Yep.

24 Q And do you see where you ask him on the left side: Is  
25 your website completely separate from the Foundation?

*Isaacs - cross - Fletcher*

576

1 A Yeah. This is what I was talking about. He wanted a  
2 separate registration because it was a FEMA issue he was  
3 telling me.

4 Q Okay.

5 And then he says to you: If they don't get to go up  
6 there because it doesn't work out, we will bring them down to  
7 Florida and offer housing and meals as a package.

8 Do you see that?

9 A Yes, I do.

10 Q And so he's referring to the MSOC conference?

11 A No. The FEMA course.

12 Q Okay.

13 So he's saying --

14 A This is specifically about the FEMA course.

15 Q Okay.

16 So he's saying if it doesn't work out up in  
17 New York, we'll bring it to Florida?

18 A Yes.

19 Q Okay.

20 He doesn't seem angry.

21 A It's all starting. It was during this time, I don't know  
22 what the date is -- oh, you said December. So this is me  
23 saying -- so I'm trying to communicate with the parties from  
24 Joe and the fire department.

25 I don't know much about websites, so I'm clarifying

*Isaacs - cross - Fletcher*

577

1 with Joe: Hey, you're saying it has to be separate from the  
2 Foundation. That's when I said: I'm trying to be clear on  
3 this, so I can tell you -- tell them what you're saying,  
4 because Joe wasn't talking directly with the fire department  
5 on this issue.

6 Q And then Joe says to you: Foundation can never offer  
7 this on its own.

8 And then you say: They have no concerns to do so  
9 but are concerned about their nonprofit status.

10 And then he says: We don't need them for anything.

11 And you say: Agree.

12 Right?

13 A To run the course, they didn't need the Foundation;  
14 however, as a nonprofit Jean O'Shea and, I think, Liz Cascio  
15 just said: Listen, we have to protect and make sure  
16 everything is transparent, why registration had to go through  
17 the Foundation with the monies then being provided to Joe and  
18 DMS.

19 Q Okay.

20 So your understanding is this is about the MTS  
21 conference -- the MTS course, not the MSOC conference?

22 A Correct.

23 Q Is that correct?

24 A That is correct, sir.

25 Q Okay.

*Isaacs - cross - Fletcher*

578

1 THE COURT: So is it at this time that you believe  
2 Joe Hernandez is upset with you?

3 THE WITNESS: It's me, it's the situation --

4 THE COURT: Is this the timeframe when you believe  
5 he was upset?

6 THE WITNESS: It started escalating, yes.

7 THE COURT: And he mentions that his website doesn't  
8 mention the Foundation.

9 Did you understand that to mean the Fire Department  
10 of New York Foundation?

11 THE WITNESS: Sorry, Judge, you mean: The  
12 Foundation can never offer this on its own?

13 THE COURT: He says: My website -- this is on the  
14 left column?

15 THE WITNESS: Yes.

16 THE COURT: My website mentions nothing about the  
17 Foundation.

18 THE WITNESS: Right. I took that as the FDNY  
19 Foundation.

20 THE COURT: Okay. And doesn't want to.  
21 And you respond: Understood.

22 THE WITNESS: Correct.

23 THE COURT: Was he yelling or was he upset with you  
24 at that time?

25 THE WITNESS: There was a couple times where we

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1 spoke on the phone, and I told him, I said: Joe, I'm trying  
2 to understand this. And I'm asking Juan, and I think --  
3 retrospect, I realized I was being manipulated, but I don't  
4 know why -- I still don't understand why he was insisting that  
5 everything goes through them when it's part of our conference.  
6 That was the issue. So I'm not sure -- I'm not the best one  
7 to answer this, but there was concerns expressed by the  
8 webmaster Joe Malvasio; hence, you know, issues -- and issues  
9 for Juan, I guess, and that's when all this kind of started.

10 Again, began to escalate, and Joe was yelling at me  
11 on the phone, and I said: Joe I'm just trying to understand  
12 this because I gave -- told him what Liz Cascio said.

13 Liz said: Hey, have everything go to the website,  
14 we'll give you all the money.

15 And I said: Joe, isn't that the same thing? You  
16 get all the money -- whatever you charge. He didn't really  
17 care what he charged for the course as long as it was  
18 transparent, and they would give you all the funds that people  
19 signed up for.

20 It seemed like common sense to me, but I don't know  
21 what his agenda was at that time.

22 Q But it's your testimony that you kept working on the  
23 MSOC -- the FDNY MSOC because of your friendship with Juan  
24 Henriquez and because Mr. Henriquez was pushing you to do it?

25 MR. MACKIE: Objection, Your Honor. That

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1 mischaracterizes.

2 THE COURT: Okay.

3 Try not to characterize the testimony.

4 Q You previously described a conversation you had with a  
5 chief where you told that chief that you didn't want to keep  
6 working on the conference, but you kept working on the  
7 conference because of your allegiance to Juan. That's what I  
8 understand.

9 If that's incorrect, you let me know, but that's why  
10 you kept working on the conference; because of your allegiance  
11 to Mr. Henriquez?

12 A I'm sorry, I'm confused what you're asking me.

13 Q You know what --

14 THE COURT: You described a conversation with your  
15 chief of the unit and the department where you told them you  
16 didn't want to work on the conferences going forward, and you  
17 were asked to reconsider and keep working.

18 THE WITNESS: Sure.

19 THE COURT: And this was for the 2019 conference;  
20 right?

21 THE WITNESS: That would have been for the 2019  
22 conference.

23 THE COURT: Yes. And you kept working on it.

24 THE WITNESS: So I took a couple days, or a week, I  
25 spoke to some of my friends, including my mentor outside the



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1 fire department, Dr. Neil Richmond, R-I-C-H-M-O-N-D. He's --  
2 he's been my mentor in EMS and a good friend and he told me,  
3 you know, if the chief of department is asking you to do it,  
4 you really should be doing it because you're not protected and  
5 I could potentially -- you know, I was anxious, you may lose  
6 your job. That's -- he was saying that, not the department,  
7 but Dr. Richmond was saying that -- I asked, what should I do?

8 And he recommended: Doug, I would go ahead and do  
9 the conference since it's already advertised and then see  
10 where you're at from there.

11 So I talked to Juan about it, and I told him, you  
12 know, my thoughts. Again, no threats whatsoever was made by  
13 the fire department, but it was me being a little paranoid,  
14 and I'm not used to dealing with the drama that was happening,  
15 and I told, you know, Juan: I just want to get through this,  
16 and, you know, since they already advertised for the  
17 department, and -- but I said: Big picture, we'll get through  
18 this. At the end of the day, I believe in you. Nothing had  
19 happened, whatever is going on, and then we'll -- big picture,  
20 we have a lot of great things to work on together, so...

21 THE COURT: So did you continue working with  
22 Mr. Henriquez?

23 THE WITNESS: No.

24 THE COURT: Okay.

25 You just did it on your own?

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1 THE WITNESS: Yes, as I had been.

2 THE COURT: With the other support people. The  
3 many, many people you use.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Okay.

6 Q When did that conversation with Mr. Henriquez occur?

7 A I do not recall.

8 Q Would it have occurred in 2019?

9 A I'm not sure when it occurred. It would be before the  
10 conference.

11 Q Before the conference --

12 A Because Juan and I had already -- I'm sorry.

13 Q So at some point, we looked at some text messages between  
14 yourself and Joe Hernandez.

15 A Okay.

16 Q Where you are talking about the -- what you say -- you're  
17 talking about the DMS MTS course whether it should be held in  
18 New York or down in Florida.

19 A That was Joe Hernandez, not me saying that.

20 Q Oh. Well, that was the communication.

21 Do you recall that?

22 A Yes.

23 Q Do you think that might have happened in December of  
24 2018?

25 A My conversation with Juan?

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1 Q Your conversation with Joe Hernandez.

2 THE COURT: I think they established based on  
3 Defense Exhibit N and the date on the text message.

4 Isn't that already in the record?

5 MR. FLETCHER: It is from another witness, Your  
6 Honor.

7 THE COURT: No. He just testified that this text  
8 thread between Dr. Isaacs and Joe Hernandez was regarding the  
9 MTS conference, not the MSOC.

10 MR. FLETCHER: Yes.

11 THE COURT: Do we need to go over this again?

12 MR. FLETCHER: No. I'm just trying to set a  
13 timeline, Your Honor.

14 Q You had that conversation about the MTS conference with  
15 Joe Hernandez; right?

16 A In this text, yeah.

17 Q Was your conversation with Mr. Henriquez after that  
18 conference with Joe Hernandez?

19 A I do not recall my conversations with Juan. We spoke  
20 frequently, but I -- I don't know when my conversation  
21 happened with Juan.

22 Q But it would have been in the months prior to the 2019  
23 conference?

24 A It was in regards to the 2019 conference.

25 Q And Mr. Henriquez said: Go ahead with the 2019

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1 conference?

2 A No. He was upset and then sent me a message that I  
3 then -- I said, Juan, let's talk. And then he sent me an  
4 email and I forwarded it to the -- at this point, like I was  
5 shocked and I just was so shocked at what was going on that he  
6 turned on me and -- and I -- at this point, I'm like: This is  
7 getting uncomfortable, and I forwarded this to -- I'm not sure  
8 if it was Ms. Archer or whoever. You know, I was just getting  
9 uncomfortable, and I just -- I couldn't reason with him or  
10 talk to him about it, so...

11 Q One other set of questions.

12 Mr. Henriquez never expressed concern to you about  
13 any financial improprieties with respect to the management of  
14 the FDNY MSOC event; right?

15 MR. MACKIE: Objection, Your Honor. This has been  
16 asked and answered.

17 MR. FLETCHER: It's okay. I will ask another  
18 question.

19 THE COURT: I honestly can't remember.

20 Okay. Ask another question.

21 Q Mr. Henriquez -- is it your testimony that Mr. Henriquez  
22 never expressed concern over unrelated dinners being billed as  
23 MSOC events?

24 A I have no idea what you're referring to.

25 THE COURT: So the answer is no.

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1 THE WITNESS: No. I'm sorry.

2 Q Or accepting dinner from vendors?

3 A Whose accepting it?

4 Q I'm just asking you. Mr. Henriquez --

5 A No.

6 Q -- never expressed concern about dinner --

7 A No.

8 Q -- with vendors?

9 A No.

10 THE COURT: One at a time. Let's get the question,  
11 please.

12 Q Mr. Henriquez never expressed concern about dinner with  
13 vendors?

14 A No.

15 Q Mr. Henriquez never expressed concern to you about  
16 vendors being asked to donate funds to the conference in  
17 exchange for preference in FDNY procurement?

18 A No.

19 Q That would have been improper; right?

20 A Yes. Considering my position, yes.

21 Q Your position on an equipment committee for the FDNY?

22 A Yes.

23 Q Did Mr. Henriquez ever express concern to you regarding  
24 business that you had with your brother consulting for African  
25 governments?

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1 A Wasn't -- it was a pizza business. It was not consulting  
2 with governments.

3 Q So nothing about providing fire -- like, expertise to  
4 African governments?

5 A No. It was an opportunity, I thought, for Joe Hernandez  
6 and Juan with DMS, but not -- I was in the pizza business.

7 Q You had a pizza business in Africa?

8 A Yes.

9 Q With your brother?

10 A Yes.

11 Q And Mr. Henriquez never expressed concern to you that the  
12 profits from MSOC events were not going to purchase equipment  
13 for FDNY HAZTAC personnel?

14 A No.

15 MR. FLETCHER: Nothing further, Your Honor.

16 THE COURT: All right. Any redirect of this  
17 witness?

18 MR. MACKIE: Few points, Your Honor.

19 THE COURT: Okay.

20 (Pause in the proceedings.)

21 THE COURT: I'm sorry, what?

22 MR. SINGLETON: I just asked if he needed anybody  
23 else because I have to bring them over from headquarters.

24 THE COURT: Oh, today?

25 MR. SINGLETON: But he said no, so I'm going to let

*Isaacs - redirect - Mackie*

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1 people go.

2 THE COURT: Okay.

3 Please proceed.

4 MR. MACKIE: Thank you, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. MACKIE:

7 Q Good afternoon, Dr. Isaacs.

8 A Afternoon.

9 Q You were asked before -- I'm just going to ask you a few  
10 direct questions about some of the testimony that you just  
11 gave.

12 You were asked about sponsorships and whether you  
13 ever procured sponsorships for the conference; is that  
14 correct?

15 A Correct.

16 Q And you said that you never procured any sponsorships for  
17 the FDNY MSOC conference?

18 A I would send flyers out to companies if, you know...

19 Q When you say in paragraph 14 of your declaration,  
20 referring to Mr. Henriquez, that: He was not involved in  
21 seeking sponsorship donations which took a lot of time and  
22 follow-up.

23 What did you understand that to mean?

24 THE COURT: This is his declaration?

25 MR. MACKIE: This is the declaration of Douglas

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1 Isaacs on paragraph 14.

2 THE COURT: Oh, so you're asking him what he meant?

3 MR. MACKIE: Yes. What he meant in his own  
4 declaration.

5 THE COURT: Okay. I just wanted to be clear.

6 MR. MACKIE: Yes.

7 A Referring to all the logistics from -- I used to  
8 communicate with all the speakers arranging the honorarium to  
9 pay for their travel, hotel, the logistics, the flights. I  
10 was, you know -- I organized meetings with the fire academy,  
11 with rescue school, EMS academy. All those different  
12 plannings, logistics.

13 So when I said I was communicating also, companies  
14 that were part of who were going to be exhibitors, arranging  
15 if they want to give soft supplies to help out with the skill  
16 stations.

17 Q Thank you.

18 And in terms of recruiting speakers and doing those  
19 initial phone calls, did you have to seek approval each time  
20 that you were going to contact someone to be a potential  
21 speaker?

22 A When you say "approval," from the fire department?

23 Q From the fire department or the Foundation.

24 A No.

25 Q If they agreed to be a speaker and come to the



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1 conference, would you then have to seek approval?

2 A Not for the individual. But in order to -- in terms of  
3 to cover their costs, yes.

4 Q Thank you.

5 Can you turn in Defendants' Exhibits to Exhibit C.  
6 This is an email that we looked at earlier.

7 A Am I using one of the notebooks?

8 Q Yes. In the defendants' notebook, it should be black,  
9 Exhibit C.

10 I believe, correct me if I'm wrong, when you were  
11 talking about this earlier, you said you don't recall having  
12 seen this email; is that correct?

13 A I can't recall.

14 Q So you -- the line from Mr. Henriquez says: I attached a  
15 draft to show how we would do it in New York.

16 Do you remember ever receiving a draft from  
17 Mr. Henriquez of an event plan?

18 A No, not until -- not originally from him. It was through  
19 conversations, structure, ideas, and I did speak to other  
20 people in our USAR community, from Mike Kurtz to others. So I  
21 spoke to a bunch of people.

22 Q Did you ever base the initial 2013 conference off of  
23 other previous conferences that may have taken place in terms  
24 of structure?

25 A Not in terms of structure. No, not in terms of

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1 structure. You know, I looked at -- I don't recall any  
2 structure. It just evolved over time every year and changed a  
3 little bit. After the first year it kind of changed, but the  
4 structure was the same. So, no, I did not base it off any  
5 other conference.

6 Q Can you, in the same binder, turn to Exhibit P?

7 A P?

8 Q P like "Peter."

9 A Yes.

10 Q And this email exchange is another one that we looked at  
11 earlier and the date on this is Monday, July 7th, 2014.

12 A Correct.

13 Q So would this have taken -- was this email exchange after  
14 the second annual FDNY MSOC?

15 A Correct.

16 Q And why were you looking for an MSOC contact list in July  
17 a couple months after the second MSOC, if you recall?

18 A I'm not sure.

19 Q But when you refer to, in your text message: Can you  
20 please send me your MSOC contact lists?

21 Do you know what that would have meant at that point  
22 of time?

23 A I -- I -- I have no idea. I don't recall this email.  
24 The only thing, again, I asked Joe Hernandez was about the  
25 SUSAR.

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1 THE COURT: What? I'm sorry?

2 THE WITNESS: The only thing that, you know, Juan  
3 was sharing with me that Joe knew the SUSAR community. That's  
4 the State Urban Search and Rescue Teams.

5 Q Okay.

6 We're going to move quickly through these things in  
7 the interest of time.

8 So on the same binder, Exhibit D, at page 4 of 55 --

9 A Yes.

10 MR. MACKIE: And the Bates number, for the record,  
11 is HENR-271.

12 THE COURT: Thank you.

13 Q And we looked at this a little bit earlier.

14 What do you recall about this flyer?

15 A Now that it was shown to me, the title on top, the MSOC  
16 2013 at FDNY, which I don't recall that, I'm not sure what  
17 else, though.

18 Q At the bottom, right-hand page under: For hotel and more  
19 information.

20 And then there's a website down there; correct?

21 A That's the Foundation website, correct.

22 Q Is that the only website that you are aware of that was  
23 used in connection with the 2013 MSOC?

24 A Correct. Dave Salemi Foundation.

25 Q Can you turn to the next page? This is 5 of 55.

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1 MR. MACKIE: For the record, this is FDNY 383.

2 Q And this is an email that, again, you looked at earlier  
3 that appears to be from Doug Isaacs to a number of people at  
4 FDNY or the Foundation dated December 20th, 2013.

5 And this says: Attached is the draft MSOC flyer for  
6 your review. Juan once again has done an amazing job.

7 Do you recall what flyer this was referring to at  
8 that time?

9 A This would have been for the 2014 conference.

10 Q Okay.

11 And do you recall there being an attachment to this  
12 email?

13 A I mean, I wrote it, so I mean there must have been an  
14 attachment, yes.

15 Q But there is no attachment on the next page of this;  
16 correct?

17 A I don't see one here.

18 Q Okay.

19 Turning to the next page, and this is another email  
20 exchange, this is page 6 of 55, 6 and 7, and this is FDNY 350  
21 and FDNY 351. So this is another email exchange that you  
22 discussed earlier.

23 And I just want to clarify, once again: What year  
24 was this talking about? What conference year was this  
25 discussing?

1 A It would have been the 2014, the second year of the  
2 conference.

3 Q Thank you.

4 Moving forward to page 10 of 55. This is HENR-55.  
5 And earlier you discussed the title at the top and you were  
6 confused by that title; is that right?

7 A Correct.

8 Q And a few pages later, I'm turning to page 14 of 55 now.  
9 This is HENR-36, what's the title on the top of this page?

10 A FDNY MSOC 2014 EAP.

11 Q Do you understand there to be a significant difference  
12 between the phrasing "FDNY MSOC" versus the phrasing "MSOC at  
13 FDNY"?

14 A Yes.

15 Q And what is your understanding of the difference?

16 A The one on top of the EAP draft FDNY MSOC 2014 would have  
17 been the correct title.

18 Q And so this title "FDNY MSOC" is the title that you used  
19 in all promotional materials?

20 A Correct.

21 Q Okay.

22 Can we turn ahead in the same exhibit? We're still  
23 on Defendant's Exhibit D, at page 54. This is 54 of 55.

24 MR. MACKIE: HENR-171, for the record.

25 Q And this is, I believe you testified earlier, this is

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1 another version of an event action plan; is that correct?

2 A Correct.

3 Q And at the bottom left corner, it says: Page 1 of -- and  
4 then there's a blank after that.

5 A Correct.

6 Q Is that the form that these would usually take that it  
7 would be blank?

8 A No. I mean -- also it would say blank, you know -- it  
9 wouldn't just be blank page. If there was a blank page that  
10 followed, it would say blank for a reason, but we didn't have  
11 blank pages.

12 Q And is -- what would have been after this in the event  
13 action plan?

14 A Probably description of the conference like we had in the  
15 previous example.

16 Q Okay.

17 Can I ask you to go to the other binder, Plaintiff's  
18 Exhibit 3. This is the org chart that you were looking at  
19 before?

20 A Okay.

21 THE COURT: I'm sorry, what exhibit, sir?

22 MR. MACKIE: This is Plaintiffs' Exhibit 3.

23 THE COURT: Okay. Thank you.

24 Q Who else on this org chart would have contributed to the  
25 event action plan that we were just looking at for 2017?

1 A Chiefs Pataki, Bills. I think those two would have been  
2 the main people from EMS operations because they would have  
3 operationalized the conference. We have a huge transport  
4 sector. We have rescue school, fire academy. I mean, the  
5 department -- the amount of support on game day, the day of  
6 the conference, the support is amazing that the fire  
7 department gives.

8 Q And that support is all detailed in the EAP?

9 A It may have mentioned -- it may not have everyone -- it  
10 would not have everyone's names, but, yes, in the EAP, it  
11 operationalized all the issues, like, for the event.

12 Q So would it be possible for a single person to create the  
13 entire EAP alone?

14 A The EAP was just making the document. It's not the  
15 actual -- they are not actually necessarily making the plans,  
16 per se.

17 Q Okay.

18 Sticking with the Plaintiffs' Exhibit 3, you walked  
19 through the different levels of authority on the org chart,  
20 and I want to just ask about the position of Mr. Henriquez  
21 here.

22 Is there a reason that he was given, apparently,  
23 increased authority?

24 A It was to give him a position because you see he has no  
25 one under him, so he has no authority over anyone.

*Isaacs - redirec - Mackie*

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1 Q So based on this chart, it doesn't appear that anyone was  
2 reporting to Mr. Henriquez during this conference?

3 A Yes. People -- you would not be reporting to Juan.

4 Q What was the job of a resource coordinator?

5 A I think he was there to assist me. I mean -- I don't  
6 think -- I mean, he was there to assist me with the  
7 conference.

8 THE COURT: So is that what resource coordinator  
9 means?

10 THE WITNESS: Yes.

11 THE COURT: It doesn't mean that he's coordinating  
12 all the different resources --

13 THE WITNESS: Oh, no.

14 THE COURT: -- that are contributing to the  
15 conference?

16 THE WITNESS: He's not coordinating the resources  
17 there, no.

18 THE COURT: So are assistants generally listed on  
19 these kinds of org charts?

20 THE WITNESS: Sorry, Judge, when you say  
21 "assistants," you mean these names here or additional  
22 personnel?

23 THE COURT: Yes. You're saying that -- I thought  
24 you said that Mr. Henriquez, in the capacity of resource  
25 coordinator, was your assistant.



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1 THE WITNESS: Well, so we --

2 THE COURT: So who else has assistants listed on  
3 this org chart?

4 THE WITNESS: Maybe "assistant" isn't the best word,  
5 but gave him that role -- to give him that role, because he  
6 did help with planning, so -- I mean, you are talking about  
7 others who would have had -- who didn't have assistants or --

8 THE COURT: No. What I am trying to understand is  
9 if Juan Henriquez's role was as your assistant, but his title  
10 says resource coordinator, but you're saying basically he was  
11 an assistant. I am trying to understand whether there are any  
12 other assistants to any of these folks listed on this org  
13 chart.

14 THE WITNESS: Yeah, so a lot of these people in the  
15 org chart, when they -- like, for example, Captain Oleg -- I  
16 can't pronounce the name -- all that ALS, BLS, those are units  
17 and members that are running the specialty units, so each of  
18 these sections have people within there.

19 THE COURT: Right, but they are units, not people;  
20 right?

21 THE WITNESS: Well, they are -- they do cover  
22 people. It would be impossible with the amount of resources  
23 that we give, you can't list all the different names in there.

24 THE COURT: I understand. But there is no one  
25 specifically listed here as an assistant; correct?

*Isaacs - redirect - Mackie*

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1 THE WITNESS: Actually, yes.

2 THE COURT: Does anyone else have resource  
3 coordinator as a designation on this chart?

4 THE WITNESS: Lieutenant Klein, equipment  
5 coordinator.

6 THE COURT: Not resource coordinator.

7 THE WITNESS: Yeah, resource, I'm not sure exactly.  
8 It's just a general term. It's not like a specific role,  
9 per se.

10 THE COURT: Okay, so you don't really know what that  
11 means; is that correct?

12 THE WITNESS: Yeah, I don't know whether resource  
13 coordinator, that name, I didn't come up with that.

14 THE COURT: Let's move on.

15 Q Can you please turn back to the other binder, Defendants'  
16 Exhibit R, and just a few questions about this Exhibit.

17 Do you recall what the context of this Exhibit was?

18 A Yes. Joe Hernandez and also Juan want to take our rescue  
19 paramedic program. I had written medical protocols called  
20 "rescue paramedic protocols" in 2010 that a lot of agencies  
21 around the country were using. I also developed a very robust  
22 curriculum for the program. We had, at the time, about a  
23 hundred rescue paramedics and officers, and we were -- and,  
24 again, this was all borne out after 9/11 in New York City and  
25 we were a model that a lot of cities have been looking at.

*Isaacs - redirec - Mackie*

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1 And so I was a little uncomfortable with this because I took  
2 this, well, they're trying to monetize this. I was  
3 uncomfortable with this.

4 Q Okay. And someone has highlighted the term "MSOC medic"  
5 in the third or fourth line down.

6 What did you take that to mean?

7 A I had no idea what he was talking about, but I was  
8 concerned why the rescue paramedic -- the rescue medic was in  
9 there.

10 Q And in the next sentence there, it says: Doug, you would  
11 also -- Doug, you would do also with -- and then it goes on.  
12 I'm not sure where the break is.

13 What did you understand that to mean?

14 A That was my understanding because I gave a few talks. I  
15 gave one on the use of a medication called Ketamine, about  
16 field limb amputation. I was a little upset when I was there  
17 because Joe Hernandez took one of my guidelines I wrote on  
18 field limb amputation and put DMS all over it.

19 Q Can you please, in the other binder, Plaintiffs'  
20 Exhibit 4, and you can turn to the third page of that. And I  
21 apologize, it's not Bates stamped, but this is the third page  
22 of Plaintiffs' Exhibit 4.

23 A Sorry, it's Exhibit 4, you said?

24 Q Yes. You can look through the first couple pages if you  
25 like, but I'm going to ask you about the third page.

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1 A Yes.

2 Q Is this the lecture outline that you were just  
3 describing?

4 A Yes. I had wrote this.

5 Q And on the bottom left it said: Prepared by Doug Isaacs,  
6 slash, Joe Hernandez; is that right?

7 A That's correct.

8 Q Did Joe Hernandez assist you in preparing this outline?

9 A No.

10 Q Did you prepare this for Disaster Medical Solutions?

11 A No.

12 Q Okay.

13 MR. SINGLETON: One more exhibit, Your Honor.

14 THE COURT: Did you send this to Mr. Hernandez? Or  
15 how did he get it?

16 THE WITNESS: I give it to all the attendees at the  
17 conference because, as part of a preconference, I do a field  
18 limb amputation course. I have surgeons from all over  
19 New York City and I made this as a handout to all the  
20 attendees.

21 THE COURT: For the Florida conference or some other  
22 conference?

23 THE WITNESS: For FDNY conference. And Joe is my  
24 friend, I shared all my documents with him, so I would have  
25 certainly, you know, if appropriate, would have sent it to him

*Isaacs - redirec - Mackie*

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1 if he asked for it. I give it out already, so...

2 Q Okay.

3 And can we -- one more exhibit, Exhibit 1 --  
4 Plaintiffs' Exhibit 1.

5 A Yes.

6 Q This is an email exchange between yourself and -- who is  
7 the other email address?

8 A Juan's Yahoo email address, Caprefil.

9 Q And this is Monday, July 9th, 2012, and the subject line  
10 says: Some ideas of what's out there.

11 A Yes. This is --

12 Q Can you just explain what this email is and why this was  
13 sent to you?

14 A So, to put it in context, the fire department had run two  
15 EMS-related conferences in the past two years, but the chief  
16 that was doing it, she says: It's too much.

17 I said: Okay. I was the medical director at the  
18 academy, and now at rescue, and I said: Oh, we'll do it.  
19 Because people are saying we should be projecting our  
20 leadership around the country in our special operations.

21 So, you know, we've all generally talking about,  
22 outside of the FEMA training, it would be great to have  
23 someplace to talk about medicine. So I was like, we're doing  
24 a conference. And I talked to Juan and I had done some  
25 research and Juan sent me an email: Hey, this is what's out

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1 there. And I said: There's a lot of work involved. And  
2 basically he was, you know, a good friend of mine, and he was  
3 excited about it. I was, other people were, and he said -- he  
4 did a search as well and this is what he sent that was out  
5 there right now in the medical special operations area, so to  
6 speak.

7 Q Did Mr. Henriquez at this time mention that he had ever  
8 planned any other conferences similar to the one that you were  
9 discussing?

10 A Never.

11 Q And did this email include any mention of the term MSOC?

12 A No.

13 Q When do you remember creating that term?

14 A It could have been around that time because I spoke to  
15 Chief Downey at rescue to get his kind of blessing. And then  
16 speak to others within the department, at the time was  
17 Dr. John Freese, who was the chief medical director of my  
18 office, also a good friend of mine, and he gave me the  
19 go-ahead. And Chief Downey told me to go speak to the  
20 Foundation and then the ball started rolling.

21 And then I remember it being outside of our Training  
22 Building 12 talking to Juan and said: Oh, what are we going  
23 to call it? I said: Well, we're medical special operations.  
24 I don't know if we can call it medical special operations.  
25 That's kind of plain. Medication special operation

*Isaacs - recross - Fletcher*

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1 conference, but then we realized FDNY adds meaning to that.  
2 Medical special operations is a ubiquitous term, because in  
3 the military, civilian-side, fire, EMS, police agencies, not  
4 only around the US, but around the world, use medical special  
5 operations or special operations in everything. Every  
6 department has special operations. And we felt that having  
7 the FDNY means something in the world, and so that's -- we  
8 kind of -- I kind of came up with the name, and that's when we  
9 moved forward and -- as a department, to plan for it.

10 MR. MACKIE: Thank you. No further questions.

11 THE COURT: Anything else from this witness?

12 MR. FLETCHER: Very briefly, Your Honor.

13 RECROSS-EXAMINATION

14 BY MR. FLETCHER:

15 Q Dr. Isaacs, you were asked about Exhibit P, so let's take  
16 a look at it really quick.

17 A P you said, sir?

18 Q P like "Peter."

19 So this is the email on July 7th, 2014, when you  
20 asked Mr. Henriquez to: Please send me your MSOC contact  
21 lists including Joe's, we need to give them to Susan from  
22 marketing.

23 A Okay.

24 Q And it's your testimony that you don't recall sending  
25 this email and you don't recall why you might have sent it;

*Isaacs - recross - Fletcher*

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1 right?

2 A Yeah, I -- I mean, I can make a presumption, but, I  
3 mean --

4 Q But as you sit here today, you don't know. Or you don't  
5 recall.

6 A I don't recall, no.

7 Q Okay.

8 Can we look at Exhibit S?

9 A Yes.

10 Q So do you see that this is -- the bottom is an email from  
11 Jean O'Shea to you on June 16th, 2014, at 12:40.

12 A Yes, I do.

13 Q And then at 12:44 you forward it directly to  
14 Mr. Henriquez?

15 A Yes, I do.

16 Q Okay. Four minutes later.

17 And do you see Jean O'Shea is -- appears to be  
18 telling you some positives and negatives of the Foundation and  
19 the FDNY hosting the MSOC event?

20 A Correct.

21 Q Do you see number three at the bottom: Not marketed  
22 enough, attendance should be higher?

23 A Yes.

24 Q Jean O'Shea told you on June 16th that the marketing  
25 needed to be better for the FDNY MSOC event; right?



*Isaacs - recross - Fletcher*

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1 A That's -- yes, that's what it says.

2 Q Then three weeks later about, on July 7th, you sent  
3 Exhibit P to Mr. Henriquez; right?

4 A Okay.

5 Q Do you still not have any recollection of why you would  
6 have sent Exhibit P to Mr. Henriquez?

7 A I don't recall, but again, I can make some -- I can make  
8 some guess on it.

9 THE COURT: Not guessing. Just what you recall.

10 A I don't recall specifically.

11 Q Okay.

12 MR. FLETCHER: That's it with this document, sir.

13 Q Exhibit R.

14 So is it your testimony that this email from Joe  
15 Hernandez to Mr. Henriquez, Louis Cook, you, and Vinny Johnson  
16 is about taking your rescue medic program outside of the FDNY  
17 and branding it MSOC?

18 A That -- that's what he wrote.

19 Q No. I'm sorry, sir, that's not what he wrote.

20 So I'm asking you if --

21 A No.

22 Q -- you're characterizing this document as him taking --  
23 Joe trying to take your rescue medic program outside the FDNY.

24 A Correct, but not really to MSOC. Right, but not  
25 really -- yes, I saw this as him trying to take the rescue

*Isaacs - recross - Fletcher*

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1 paramedic program outside the FDNY.

2 Q And it had never been held anywhere else outside the FDNY  
3 before?

4 A The rescue paramedic program?

5 Q Yes.

6 A I -- it couldn't have been. I developed it, in terms of  
7 the materials.

8 Q So no one else was doing it?

9 A The FDNY rescue paramedic program?

10 Q A -- some kind of -- well, it might be -- you see Joe  
11 says: It might be perfect op to start introducing the DMS  
12 US&R or FDNY rescue medic program?

13 A Again, I took that as him talking about the rescue  
14 paramedic program because many cities' agencies were asking  
15 for our protocols and training curriculum.

16 Q But you didn't think it was a good idea; you were against  
17 taking your program outside of New York.

18 A Well, I was taken aback that he has a business and trying  
19 to monetize our -- the rescue paramedic program, I was uneasy  
20 about that, so...

21 Q When you saw this email, did you see the reference to  
22 MSOC medic?

23 A I see it now. Again, I don't know in terms of, you know,  
24 what -- I remember looking at this. I remember Joe asking  
25 about the rescue paramedic program.

*Isaacs - recross - Fletcher*

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1 Q Did you ever tell Mr. Hernandez that you objected to  
2 taking the FDNY medic program outside of the FDNY?

3 A I just didn't follow up with him on it.

4 Q But you didn't say, hey, that's not a good idea or hey, I  
5 don't think we should do that?

6 A I expressed my concerns to Juan.

7 Q But you didn't have any communications with Mr. Hernandez  
8 about this?

9 A No, most of my communications were with Juan.

10 Q And you didn't ever tell Mr. Hernandez we shouldn't use  
11 the acronym MSOC outside of the FDNY?

12 A I was uneasy about that when I saw that and I thought he  
13 was just making a suggestion, but it really didn't go  
14 anywhere, the conversation, so...

15 Q And you don't recall seeing the words "Palm Beach MSOC"  
16 on this email; right?

17 A Never, no.

18 Q Okay.

19 THE COURT: May I ask, Joe Hernandez in his email  
20 says, quote: It may be perfect op to start introducing the  
21 DMS US&R or FDNY rescue medic program to other smaller cities.

22 So with reference to the DMS US&R, that's not part  
23 of the FDNY rescue medic program; is it?

24 THE WITNESS: No. That's the FEMA course.

25 THE COURT: So he's proposing that it might be an

*Isaacs - recross - Fletcher*

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1 opportunity to introduce either the DMS US&R or the FDNY  
2 rescue medic program to smaller cities, based on what he wrote  
3 here? I am just quoting it.

4 THE WITNESS: Yes. I don't take it as that because  
5 that's a FEMA course and I -- I took that as because the  
6 rescue paramedic program is a much higher level course than  
7 the Urban Search and Rescue and so -- it's -- he would have  
8 had to make his own course. If he was going to make his own  
9 DMS search and rescue course, then -- but I took that as, you  
10 know, FDNY, because we had a lot of agencies around the  
11 country were asking for the protocols I had written and the  
12 other curriculum, so -- and he knows that because people  
13 talked about it around the country when I wrote the protocols.

14 THE COURT: Did you understand what he meant when he  
15 said: St. Petersburg, Hillsborough County has almost same and  
16 we did their training?

17 THE WITNESS: I have -- I have no idea what that's  
18 in reference to, to be honest.

19 THE COURT: Okay.

20 MR. FLETCHER: May I continue, Your Honor?

21 THE COURT: Yes.

22 Q Exhibit 4, it's in the white binder.

23 A Yes.

24 Q This is the outline for your -- well, there's a couple  
25 pages.

*Isaacs - recross - Fletcher*

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1 A Yes.

2 Q The first two pages appears to be a schedule and then --  
3 and then after that we are talking about an outline for a  
4 field limb amputation course?

5 A Yes.

6 Q Okay.

7 So it's your testimony that even though at the  
8 bottom this says: Prepared by Doug Isaacs MD and Joe  
9 Hernandez, medical specialist -- the content on these pages is  
10 exclusively your own?

11 A Well, I did the research and organized it and, yes, put  
12 it together.

13 Q Okay.

14 So this is all your content? It had never been  
15 produced before you created it?

16 A Again, I looked -- again, are all the words mine? No,  
17 but the articles I read, organizing it, and putting this  
18 document together, yes, I put this together.

19 Q Okay.

20 So someone -- so maybe Joe Hernandez wrote some of  
21 the words on this page?

22 A No, he did not. The only thing he put was his DMS on  
23 there.

24 Q You created the field limb amputation course for the  
25 FDNY; correct?

*Isaacs - recross - Fletcher*

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1 A Yes, I did.

2 Q Now, the FDNY's field limb amputation course or protocol  
3 was not the first field limb amputation course or protocol;  
4 right?

5 A Others -- I mean, I didn't really see any, other than  
6 hospitals.

7 Q You are not aware of any others aside from some hospitals  
8 in the FDNY's when you created yours?

9 A The only thing I recall is Michael Kurtz sharing a  
10 PowerPoint that his Task Force worked on in Pennsylvania.

11 Q So you've taken a lot of FEMA certifications courses;  
12 right?

13 A Yes.

14 Q And you are a member of FEMA Task Force I in New York?

15 A New York Task Force I; correct.

16 Q So you should know that FEMA has a field limb amputation  
17 course that predated the FDNY's; right?

18 A First time I'm hearing about this.

19 Q Never heard about that before?

20 A In fact, FEMA, our urban search and rescue teams --  
21 actually there is no formal course I'm aware of.

22 Q Is there a protocol, a FEMA protocol?

23 A They did not put it -- no. They did not put it into the  
24 curriculum formally until I'm the lead on the rewrite of the  
25 FEMA vouching specialist course right now, and I just -- I

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1 wrote the lecture for this course.

2 Q And Mr. Hernandez did not help you create the FDNY field  
3 limb amputation course?

4 A No. He just talked about blades with me; he wanted to  
5 try different blades out.

6 Q But when you were creating the field limb amputation  
7 course for the FDNY, you had conversations with Joe Hernandez  
8 about it?

9 A He asked to come to it.

10 THE COURT: Just answer the question.

11 THE WITNESS: Yes.

12 A No. I did not -- other than talking about blades, I  
13 don't recall any conversations of designing our field limb  
14 amputation course, nor did I ever see any FEMA amputation  
15 course that I can recall.

16 MR. FLETCHER: No further -- actually, one further  
17 question, Your Honor.

18 Q Exhibit 1 --

19 THE COURT: May I ask, before we move on, did Joe  
20 Hernandez ever tell you about his work in Haiti and having to  
21 do with field amputation on a nine-year-old person who was  
22 trapped in the rubble?

23 THE WITNESS: He shared a video with me.

24 THE COURT: Okay.

25 And that was in 2010 that he was in Haiti assisting

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1 with earthquake relief; is that right?

2 THE WITNESS: Yeah, it was during the earthquake.  
3 He was not involved in it himself, but, yes, he shared a video  
4 with me that -- and then he told me about it, as well as  
5 others.

6 THE COURT: So you don't know if Mr. Hernandez was  
7 in Haiti --

8 THE WITNESS: I don't know --

9 THE COURT: -- assisting with relief?

10 THE WITNESS: I don't know if he was in Haiti  
11 himself. His Task Force was.

12 THE COURT: Okay.

13 Q Exhibit 1.

14 A Yes.

15 Q So this is the email exchange on July 9th, 2012?

16 A Yes.

17 Q Where Mr. Henriquez sends you some links and some  
18 information about what he found about other similar  
19 conferences out there, and he said he didn't find much; right?

20 A Yes.

21 Q Okay.

22 Did you ask him to send you this email, or did he do  
23 this research on his own?

24 A We -- we were on the phone talking about it and -- and I  
25 can't recall, but I think he did his search, I did my own. So



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1 I think it's just the excitement of doing this conference.

2 Q So you don't recall whether he -- so you were just  
3 talking about it together and he said: Hey, let me send you  
4 some information?

5 A Well, I was going to go ahead and do the conference. He  
6 was excited and wanted to be part of it. And I said: There's  
7 a lot of work involved. And so I think he went ahead and did  
8 his search and wrote me this email.

9 Q Okay.

10 And this is July 9, 2012; right?

11 A That is correct.

12 Q Okay.

13 THE COURT: And did he suggest major topics in this  
14 email? He lists a bunch of topics and make some suggestions  
15 for speakers.

16 THE WITNESS: I'm sorry, Judge, which line are you  
17 looking at?

18 THE COURT: It says -- after the links, he says: As  
19 you can see, there isn't much in the form of symposium or  
20 actual focus conference. The materials and resources are  
21 definitely there. I think some of the major topics should  
22 be -- then he lists topics with some of the suggested  
23 speakers.

24 THE WITNESS: These were just overall, kind of,  
25 general comments, not, like, specific topics, per se.

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1 THE COURT: He called them major topics.

2 THE WITNESS: Yes, just major areas of -- and  
3 then -- but not the actual presentations and so on.

4 THE COURT: Okay.

5 Q So if we could turn to Exhibit C now. It's in the other  
6 binder.

7 So we've looked at this email before where --  
8 June 29, 2012 -- so a little over a week prior to that email  
9 exchange, and the highlighted email reflects Mr. Henriquez  
10 telling you, quote: How we would do it in New York, it  
11 follows the same structure as the previous MSOC events; right?

12 A I see that.

13 (Continued on the following page.)  
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1 (Continuing)

2 Q And the subject line is: Re: MSOC NY, right?

3 A I see.

4 Q You understand that to be MSOC New York?

5 A It's what he wrote.

6 Q But you don't recall ever receiving this email, right?

7 A I do not recall.

8 Q Okay.

9 MR. FLETCHER: No further questions, Your Honor.

10 THE COURT: Okay.

11 Anything else from this witness?

12 MR. SINGLETON: No.

13 THE COURT: All right, you are excused. Have a nice  
14 day.

15 THE WITNESS: Thank you, Judge.

16 (Witness excused.)

17 THE COURT: Are there any other witnesses that  
18 either party wishes to present?

19 MR. FLETCHER: Not from me, Your Honor.

20 THE COURT: How about the Defense?

21 MR. SINGLETON: No, Your Honor.

22 MR. MACKIE: No, Your Honor.

23 THE COURT: Okay. So, let's figure out how to move  
24 forward.

25 As I said, I have a lot of my plate, we will try to

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1 do our best to get a decision out to you. Our court  
2 reporter -- why don't you tell us about any logical issues  
3 regarding the transcript, if the parties have ordered it or  
4 want to order it.

5 THE COURT REPORTER: So the City just requested a  
6 seven-day, an expedited delivery. So I am going to discuss  
7 with the other reporters and see what we can come up with. I  
8 think maybe seven-day might be reasonable for us.

9 THE COURT: Can they arrange to split the cost with  
10 the other lawyer?

11 THE COURT REPORTER: It will be cheaper if they do  
12 it that way.

13 THE COURT: Okay.

14 You can save money if you can do it that way.

15 MR. SINGLETON: Very good.

16 MR. FLETCHER: We can discuss.

17 I'm on board for a 30-day, I don't know about the  
18 seven-day. We had previously discussed a 30-day transcript.  
19 This is the first I am hearing about seven days.

20 THE COURT: Okay. Well, hopefully, they will work  
21 it out.

22 So that is it. Do the parties want post-hearing  
23 submissions or do you feel like you have papered this to  
24 death?

25 MR. FLETCHER: I am happy to stand on my -- what

1 we've submitted, Your Honor. If the Court feels it would be  
2 helpful, I am glad to, but...

3 THE COURT: Look, I think it boils down to,  
4 ultimately, credibility determinations based on what the  
5 documents say, based on what the witnesses have testified to  
6 and what they have not testified to. I will do my best to get  
7 you a decision as soon as I can.

8 MR. SINGLETON: Thank you, Your Honor.

9 THE COURT: Is there any effort or possibility that  
10 this can get resolved or are you pretty much -- I know there  
11 has been some emails submitted saying someone is off, but if  
12 there is any hope, I think that would ultimately be the best  
13 way for everybody because everybody goes away a little bit  
14 happy and a little bit unsatisfied, but that is what a good  
15 settlement is.

16 I can send you to the magistrate judge if that would  
17 be helpful, Judge Kuo. If you do not think that that would  
18 work, we could just have you meet together, but I have a  
19 sense, unfortunately, that this has become personal and  
20 personalities are in the way, and people feel very personally  
21 invested in this whole thing, so maybe settlement is not a  
22 possibility? In which case I will make a decision.

23 MR. FLETCHER: I am always happy to discuss  
24 settlement, Your Honor. Obviously, I think a resolution is in  
25 my client's interest as opposed to litigating for the next

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1 however many years against the City that's going to throw  
2 whatever resources it's going to throw at this.  
3 Unfortunately, the PI motion happened to be after the last  
4 settlement attempt failed.

5 My feeling today is I don't -- I don't know whether  
6 just the fact of the hearing without a decision will change  
7 the calculus talking settlement or not. It may be that the  
8 parties need a decision from the Court.

9 THE COURT: Well, I will tell you that I do not find  
10 there was undo delay. I think there was good explanation as  
11 to why the PI was requested when it was requested given that  
12 there were ongoing settlement discussions.

13 In terms of credibility determinations, I found that  
14 Mr. Henriquez and Mr. Hernandez were credible on many points.  
15 Dr. Isaacs seemed unable to recall certain e-mails or points.  
16 That was concerning. But if he does not recall, he does not  
17 recall. And I believe that Mr. Henriquez and Mr. Hernandez  
18 were using MSOC and had created MSOC and the terms, you know,  
19 before Dr. Isaacs's purported creation of the term, but that  
20 is -- I mean, look, I will review the transcript very  
21 carefully again and all of the Exhibits, but this is my  
22 initial impression after two days of listening to testimony  
23 and observing witnesses as they testified.

24 MR. SINGLETON: Your Honor, I would request  
25 permission to submit a ten-page memo on the delay issue.

1 THE COURT: Well, you have already briefed it, sir.  
2 I know you have briefed it. I have read it.

3 MR. SINGLETON: Your Honor, this dispute was brewing  
4 for four years. The fact that they hired Mr. Fletcher as a  
5 new attorney in the last year does not change the calculus.  
6 It doesn't revive and excuse the delay of the four years. And  
7 it was six month even from then, from the time he -- the case.

8 There was never any serious settlement discussions  
9 going on. He asked me to sign a confidentiality agreement, I  
10 agreed to that. He asked for documents, I agreed to that.  
11 But the demands were rejected within a day. There was no  
12 meaningful settlement discussions going on.

13 THE COURT: I am not going to ever tell a party that  
14 they cannot make submissions, but I have reviewed the  
15 declarations of Mr. Fletcher and Mr. Singleton regarding MM  
16 supporting emails; not just between Mr. Fletcher and the  
17 representatives of the FDNY and the foundation, but I think  
18 there were efforts. I think that at least some of the parties  
19 believed they were engaged in good faith settlement  
20 negotiations along the way.

21 So I do not know what else you would want to add to  
22 that, sir. You have already put in a declaration regarding  
23 settlement efforts and your view of it. I mean, what more  
24 could you tell me?

25 MR. SINGLETON: Your Honor, there are a lot of cases

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1 on delay.

2 THE COURT: I know about those cases, sir.

3 MR. SINGLETON: Okay.

4 Then I will rest on my briefs.

5 THE COURT: There are cases also that say when there  
6 are settlement efforts going on --

7 MR. SINGLETON: There were no settlement efforts  
8 going on in the last four years, that's the point. There was  
9 nothing. And both parties were holding their own conferences  
10 with no, no evidence of confusion. And, in fact, he had 500  
11 people last year, up almost a hundred percent from the prior  
12 year. That's not evidence of confusion.

13 THE COURT: Do we have evidence in the record on  
14 that?

15 MR. SINGLETON: Yes, Your Honor.

16 MR. FLETCHER: There's testimony that Mr. Henriquez  
17 hosted a conference last year. There's also lots of testimony  
18 that the Fire Department did not hold a conference between  
19 2019 and 2022. So, the first conference that they hosted was  
20 2022. Mr. Henriquez testified that he learned about that  
21 weeks prior. We sent a cease and desist letter before the  
22 conference. The lawsuit was filed shortly after the  
23 conference and here we are.

24 MR. SINGLETON: Your Honor, they both --

25 MR. FLETCHER: And there's a new conference



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1 happening that he discovered in November. And we moved for a  
2 PI.

3 THE COURT: Is MSOC -- being the Medical Special  
4 Operations conference -- being used by the FDNY for the 2023  
5 conference?

6 MR. FLETCHER: We believe it is.

7 THE COURT: That is why we are looking at the  
8 injunction. Okay.

9 MR. FLETCHER: Yes, ma'am.

10 THE COURT: All right.

11 Well, I will get you a decision. And the conference  
12 is in May?

13 MR. FLETCHER: We believe so. I don't think there's  
14 testimony in the record from them, but you could ask them.

15 THE COURT: I think Ms. O'Shea testified that,  
16 generally, the conferences are in May to coincide with EMT  
17 week or something.

18 Is that when the conference is being held? In May?

19 MR. SINGLETON: It's scheduled for May 4th to  
20 May 7th of 2023. It's on the website. It's been there for a  
21 long time.

22 THE COURT: Well, I am not looking on the website,  
23 sir, but thank you.

24 MR. SINGLETON: Okay.

25 THE COURT: May 4th to May 7th, 2023.

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1 All right. Is there anything else?

2 MR. FLETCHER: I don't think so, Your Honor.

3 THE COURT: All right.

4 Thank you. Have a good day, everybody.

5 MR. FLETCHER: Thank you, Your Honor.

6 THE COURT: Thank you.

7

8 (Matter concluded.)

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